

Congress of the United States

Washington, DC 20515

September 21, 2017

Ms. Alexis Strauss
Acting Regional Administrator
Pacific Southwest Region
Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105

Dear Acting Regional Administrator Strauss,

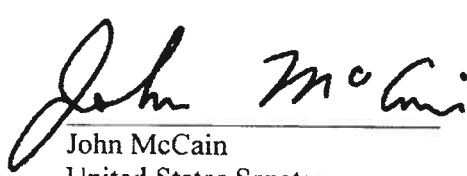
We write to address reports that the cities of Naco, Arizona and Bisbee, Arizona have been subject to years of unmitigated raw sewage flowing from Naco, Sonora, Mexico, an issue that is yet to be resolved. This flow of sewage poses a health, safety, and economic risk to Arizona's vulnerable border towns, and we are greatly concerned about the lack of response of the federal agencies tasked with the oversight of this issue.

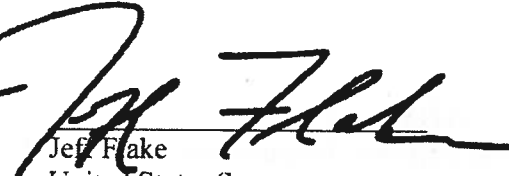
We believe that this uncontrolled effluent is positioned to contaminate the agriculture, livestock, and drinking water supply of these communities. We seek more information about the situation in question and what the EPA has done to address the environmental impact of this spill. Please answer the following questions:


1. What responsibility does the EPA have in the monitoring and mitigation of such spills?
2. How long has the EPA been aware of the effluent spill in Naco, Arizona and Bisbee, Arizona? What steps have been taken by the EPA to resolve this issue in the many years that the spill has breached Arizona's borders?
3. What steps has the EPA been taken to assist the community in their rehabilitation of the impacted areas?
4. Has the EPA worked with other relevant agencies or conducted internal investigations to study the public health, safety, and economic implications of this spill?

Arizona's border communities are uniquely situated to rely on organizations, like yours, to coordinate even their most essential functions, such as sanitation or flood mitigation. The economic impact of slow moving bureaucracy can not only be damaging, but devastating, to our constituents. Between the flooded farms of Naco, Arizona and the broken pipeline in Nogales, Arizona, it is clear to us that coordination and communication between federal organizations and the communities they serve must be improved. We look forward to reviewing your answers and working towards a solution for all parties involved.

Sincerely,


John McCain
United States Senator


Jeff Flake
United States Senator


Martha McSally
United States Representative



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

The Honorable John McCain
United States Senate
Russell Senate Office Building, SR-218
Washington, DC 20510-0303

The Honorable Jeff Flake
United States Senate
Russell Senate Office Building, SR-413
Washington, DC 20510-0305

The Honorable Martha McSally
U.S. House of Representatives
510 Cannon House Office Building
Washington, DC 20515-0302

Dear Senator McCain, Senator Flake, and Congresswoman McSally:

Thank you for your letter dated September 21, 2017, regarding transboundary flows of raw sewage from Naco, Sonora, Mexico into Arizona. We share your concerns about the consequences of transboundary flows in the Arizona-Sonora border region. We have an extensive history of action to minimize transboundary flows and improve water quality in the Santa Cruz and San Pedro River watersheds, and we remain committed to these goals. Following please find our response to your specific questions; we'd also be pleased to brief your offices.

What responsibility does the EPA have in the monitoring and mitigation of such spills?

The 1983 La Paz Agreement affords EPA a coordinating role on transboundary environmental issues along the U.S.-Mexico border. The U.S.-Mexico Border Environmental Program (known as Border 2020) serves as the framework to engage U.S. and Mexican jurisdictions on transboundary pollution issues. EPA has worked closely with the Arizona Department of Environmental Quality (ADEQ), the International Boundary and Water Commission (IBWC), the North American Development Bank (NADB), and Arizona/Sonora Border 2020 water task force members on the Naco spill.

Congress appropriates funding for EPA to construct drinking water and wastewater infrastructure projects on both sides of the border. All EPA-funded projects in Mexico must result in a benefit to the United States, and all EPA funding must be matched by Mexico. In the Santa Cruz River and San Pedro River watersheds, we have provided over \$100 million for the planning, design and construction of six major infrastructure projects. Congressional appropriations do not permit us to divert this long-term water infrastructure funding for emergency situations, including sewage spills.

How long has the EPA been aware of the effluent spill in Naco, Arizona, and Bisbee, Arizona? What steps have been taken by the EPA to resolve this issue in the many years that the spill has breached Arizona's borders?

EPA invested approximately \$1 million in the late 1990's to construct the wastewater treatment plant in Naco, Sonora. Due to poor maintenance and a lack of technical capacity in Mexico, Naco's wastewater treatment plant has increasingly suffered equipment failures in recent years. The most recent spill, which began in July and is described more fully below, was caused by a broken pump at the treatment plant and the absence of a backup pump/system.


To rehabilitate the treatment plant, Naco, Sonora recently applied for additional EPA infrastructure funding. With NADB, which administers our border water infrastructure funding, we are reviewing infrastructure projects proposed as part of our most recent solicitation. We will make funding decisions in February 2018. Although funding for EPA's border water infrastructure program has declined sharply from historical levels and FY18 funding is uncertain, minimizing transboundary flows of raw sewage from Mexico remains our top priority.

What steps has the EPA taken to assist the community in their rehabilitation of the impacted areas? Has the EPA worked with other relevant agencies or conducted internal investigations to study the public health, safety, and economic implications of this spill?

In July 2017, wastewater from the Naco, Sonora treatment plant began flowing across the border onto private property in Arizona via a wash tributary to the San Pedro River. We learned of the situation in early September. Since then, we have engaged with binational, federal, state and local agencies to strengthen response to the spill. The IBWC loaned a pump to Naco, Sonora to temporarily replace the broken pump, and a permanent replacement has since been installed. ADEQ has taken swift on-the-ground action to remedy this emergency. We have engaged with the NADB to allocate \$10,000 to defray costs of emergency repairs. As noted above, EPA and NADB are evaluating a proposed upgrade to the Naco, Sonora wastewater treatment plant to reduce future upsets and transboundary flows. Nonetheless, all local systems could do much more regarding preventative maintenance, while the federal government may fund capital costs. We are working with our binational partners on options to exert greater leverage on local systems in Mexico to fund and conduct a greater level of routine and preventative maintenance.

I hope that this information is responsive to your concerns. If we can be of further assistance, please call me at (415) 972-3572 or refer staff to our Congressional Liaison, Brent Maier, at (415) 947-4256 or maier.brent@epa.gov.

Sincerely yours,


Alexis Strauss 6 October 2017
Acting Regional Administrator

cc: Edward Drusina, U.S. Commissioner, IBWC
Misael Cabrera, Director, ADEQ
Alex Hinojosa, Acting Managing Director, NADB

Congress of the United States
Washington, DC 20515

February 17, 2017

The Honorable Donald J. Trump
President of the United States
1600 Pennsylvania Ave NW
Washington, DC 20500

Dear Mr. President,

We write to express our continued and serious concerns regarding the Obama Administration's Clean Power Plan (CPP), Waters of the U.S. (WOTUS), and Ozone Standard of 70 parts per billion (ppb) Rules.

On August 3, 2015 the Environmental Protection Agency (EPA) finalized its Clean Power Plan rule. The original intent of the Clean Air Act was for individual states to regulate their own electricity systems. This new regulation is tantamount to a federal government power grab that would impose onerous carbon emissions standards at and outside the fence line of existing power plants. The CPP would require approximately a 30% reduction in carbon dioxide emissions by the year 2030; a goal that will have a negligible impact on global temperatures. These costs will ultimately be borne by consumers, many of whom could see double-digit percentage increases in their monthly electric bill.

Additionally, on August 28, 2015 the EPA published its final rule revising the definition of navigable waters and asserting jurisdiction over nearly all areas with water features, including man-made drainage ditches and small streams. The intent of WOTUS was to clarify what waters are controlled by federal regulations; however the EPA has only made it harder for businesses to comply with the law which will negatively impact job growth in farming, building trades, and beyond.

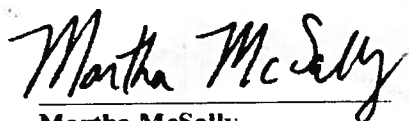
Furthermore, on October 1, 2015 the EPA established a new National Ambient Air Quality Standard for ground-level ozone that was set at 70ppb. This regulation does not adequately account for background ozone, which is naturally occurring ozone or ozone originating outside of the control of a specific state. These new standards represent a threshold that is simply too high for many jurisdictions across the country and will damage the economy by requiring even further reductions in emissions.

During the promulgation and finalization of these rules, many of our constituents have expressed their concerns to us how their livelihood in our states will be negatively impacted.

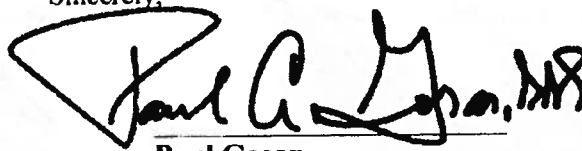
Unfortunately, the 60 day period for the Congressional Review Act (CRA) has expired and Congress will not be able to make use of the CRA to stop or revise these rules. As such, we urge you to use any and all tools to limit the harm of these costly and burdensome rules.

We appreciate your consideration of this important matter and look forward to your response.

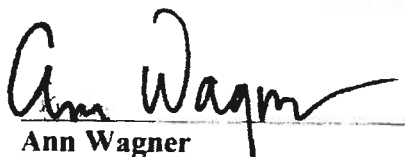
Sincerely,



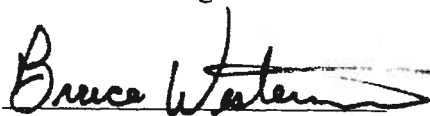
Martha McSally
Member of Congress



Paul Gosar
Member of Congress



Ann Wagner
Member of Congress



Bruce Westerman
Member of Congress



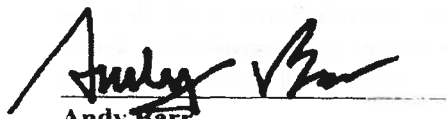
John Rutherford
Member of Congress



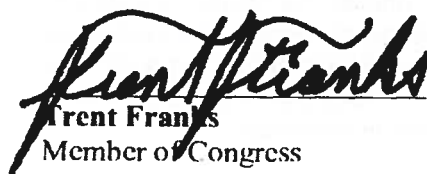
Lou Barletta
Member of Congress



Mike Kelly
Member of Congress



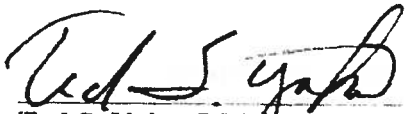
Andy Barr
Member of Congress



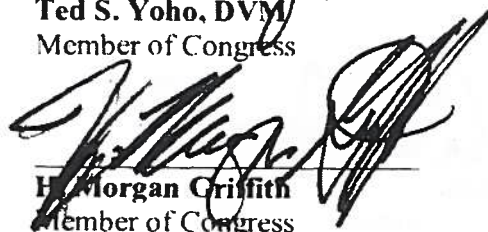
Trent Franks
Member of Congress



Walter B. Jones
Member of Congress



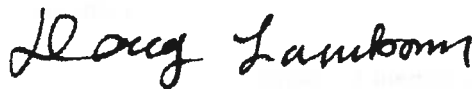
Ted S. Yoho, DVM
Member of Congress



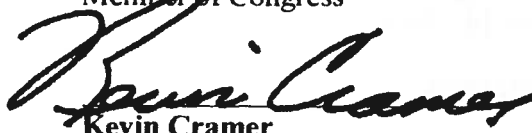
H. Morgan Griffith
Member of Congress



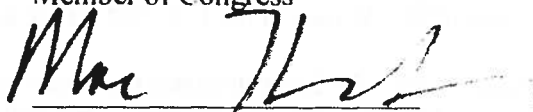
Bob Gibbs
Member of Congress



Doug Lamborn
Member of Congress



Kevin Cramer
Member of Congress



Mac Thornberry
Member of Congress



Mimi Walters
Member of Congress



Steve Chabot
Member of Congress



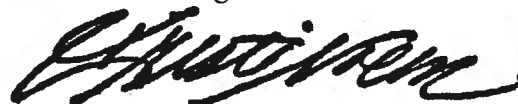
Vicky Hartzler
Member of Congress



Robert Aderholt
Member of Congress




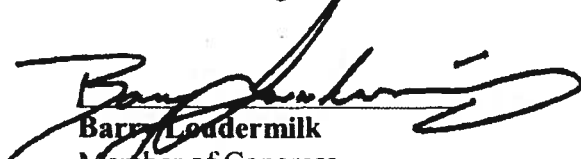
David G. Valadao
Member of Congress




Kristi Noem
Member of Congress


Chuck Fleischmann
Member of Congress

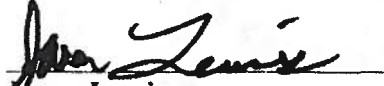

Scott Tipton
Member of Congress

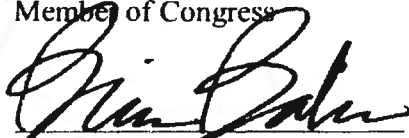

Barry Loudermilk
Member of Congress



Sam Graves
Member of Congress

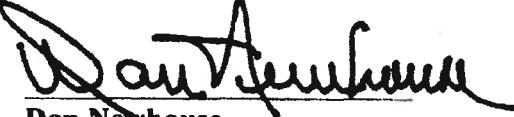

Mike Bost
Member of Congress

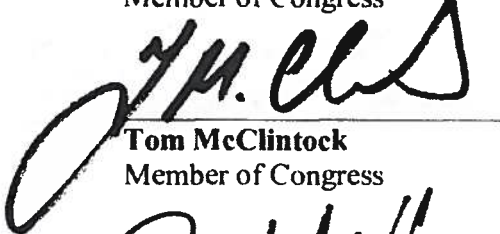

Glenn Grothman
Member of Congress



Jason Lewis
Member of Congress

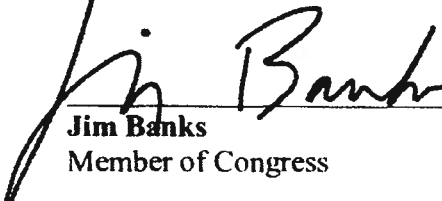

Brian Babin
Member of Congress



Gary Palmer
Member of Congress

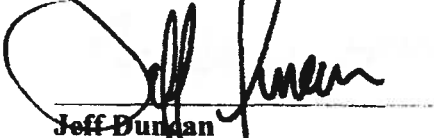

Dan Newhouse
Member of Congress

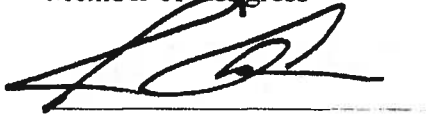

Tom McClintock
Member of Congress


Doug LaMalfa
Member of Congress


Jim Banks
Member of Congress


Jackie Walorski
Member of Congress


Jeff Duncan
Member of Congress


Ralph Abraham
Member of Congress

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Congress of the United States
Washington, DC 20515

November 1, 2016

The Honorable Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Madam Administrator:

The undersigned Members of the U.S. House of Representatives are writing to express our concern with the Environmental Protection Agency's (EPA) draft ecological risk assessment on atrazine. In its present form, it would have a significant negative impact on farmers and rural communities nationwide.

Atrazine has been used for decades as an effective herbicide for tens of thousands of growers, and it is particularly important for corn, sugar cane and sorghum producers. Moreover, it is one of the most thoroughly studied herbicides used today, accounting for nearly 7,000 scientific studies. Unfortunately, EPA's draft ecological risk assessment throws its future use into doubt, an outcome that, according to many, may not be scientifically justified. This criticism appears to be borne out by the agency's approach, where it is setting standards on studies that the EPA's own Science Advisory Panel considered "flawed" in 2012.

When used properly and in accordance with label instructions, atrazine is one of the most vital herbicides available to farmers. It has been used safely for more than fifty years and is a critical tool in assuring the sustainability of many farms nationwide. Farmers are great stewards of their land, and they understand the importance of using safe products on their crops. Limiting atrazine would create a reliance on more expensive and environmentally harmful pesticides, and make conservation efforts more difficult by impeding farming methods such as no-till or strip-till.

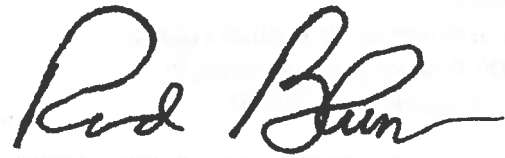
It would be irresponsible to greatly restrict one of the safest and most trusted herbicides on the market. Various economic analysis studies show farming without atrazine could cost growers up to \$59 per acre. This is especially detrimental to the small family farms that would be hurt by an unsubstantiated government decision.

With this information in mind we ask that you take into account the needs of farmers and use sound science when finalizing the ecological risk assessment for atrazine. It is imperative that EPA take the science and public comments seriously and revise the preliminary ecological risk assessment using the best available data. We look forward to your response.

Sincerely,



Ken Buck
Member of Congress



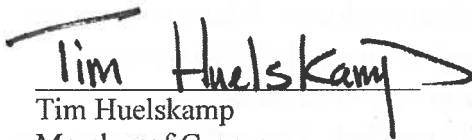
Rod Blum
Member of Congress



Scott Tipton
Member of Congress



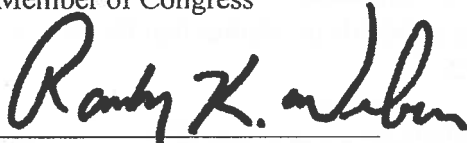
Glenn Grothman
Member of Congress



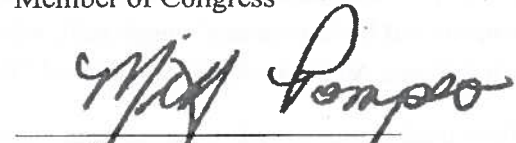
Tim Huelskamp
Member of Congress



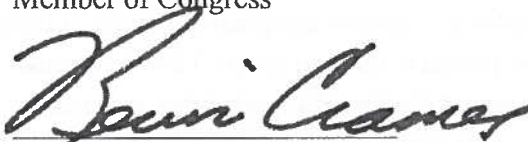
Rick Crawford
Member of Congress



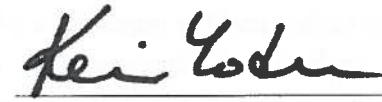
Randy K. Weber
Member of Congress



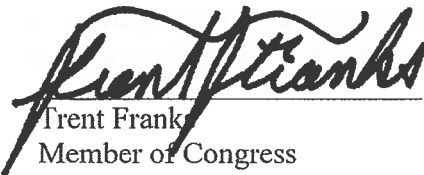
Mike Pompeo
Member of Congress



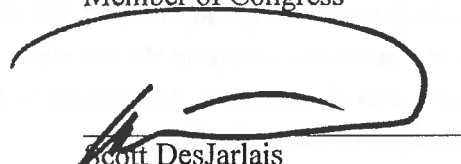
Kevin Cramer
Member of Congress



Kevin Yoder
Member of Congress



Trent Franks
Member of Congress



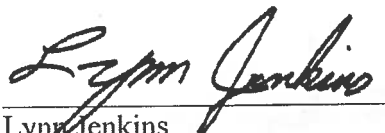
Scott DesJarlais
Member of Congress



Mark Meadows
Member of Congress



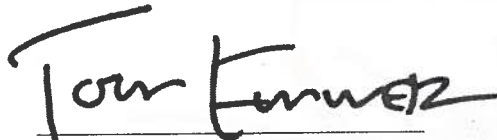
Gregg Harper
Member of Congress



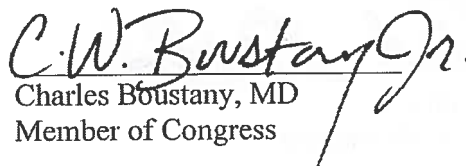
Lynn Jenkins
Member of Congress



Walter B. Jones
Member of Congress



Tom Emmer
Member of Congress



Charles Boustany, MD
Member of Congress



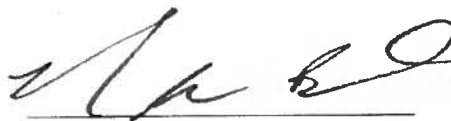
Adrian Smith
Member of Congress



Richard Hudson
Member of Congress



Bradley Byrne
Member of Congress



Mike Bost
Member of Congress



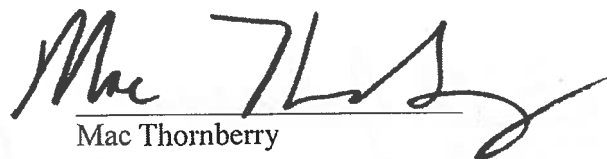
Louie Gohmert
Member of Congress



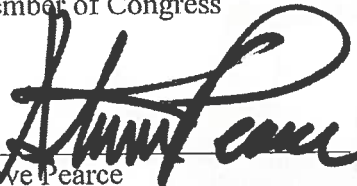
Bennie G. Thompson
Member of Congress



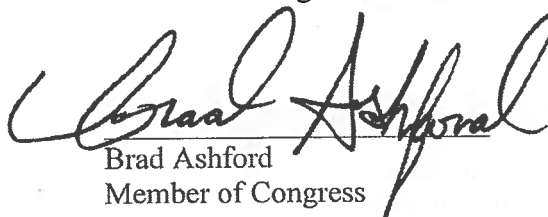
Paul A. Gosar
Member of Congress



Mac Thornberry
Member of Congress



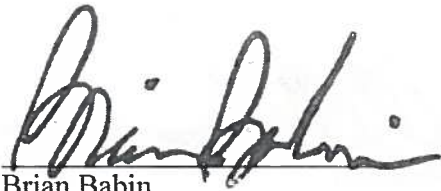
Steve Pearce
Member of Congress



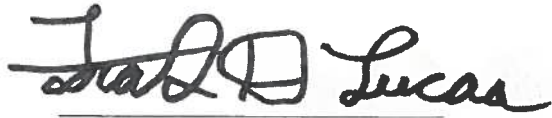
Brad Ashford
Member of Congress



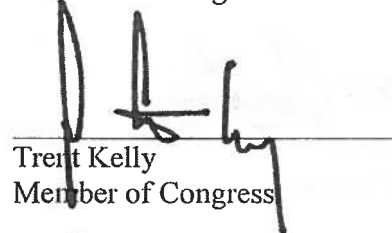
Adam Kinzinger
Member of Congress



Brian Babin
Member of Congress



Frank Lucas
Member of Congress



Trent Kelly
Member of Congress



Bob Gibbs
Member of Congress



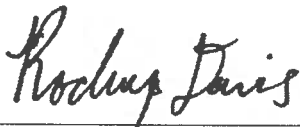
Mike Coffman
Member of Congress



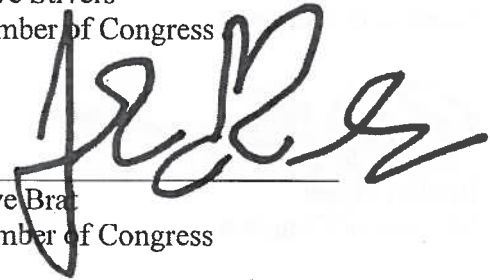
Steve Chabot
Member of Congress



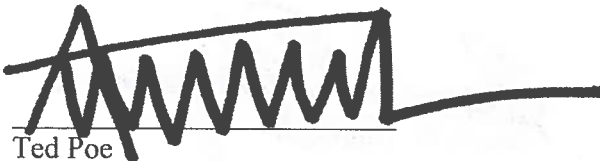
Steve Stivers
Member of Congress



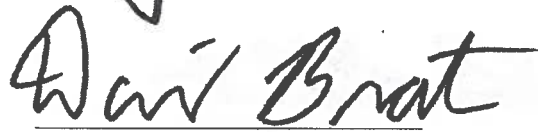
Rodney Davis
Member of Congress



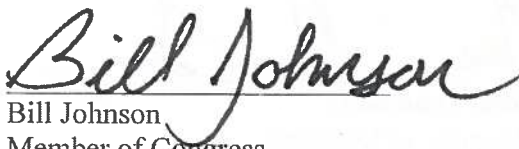
Dave Brat
Member of Congress



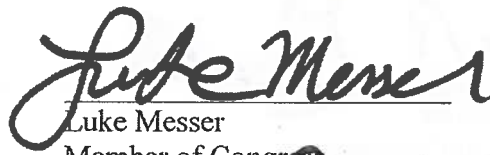
Ted Poe
Member of Congress



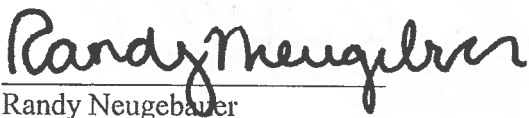
John Shimkus
Member of Congress



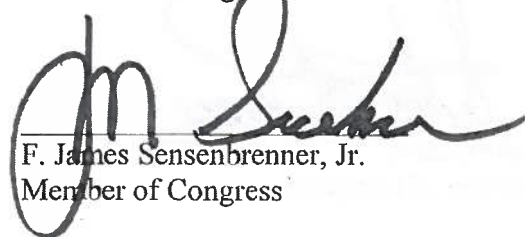
Bill Johnson
Member of Congress



Luke Messer
Member of Congress



Randy Neugebauer
Member of Congress



F. James Sensenbrenner, Jr.
Member of Congress

Raúl R. Labrador

Raúl Labrador
Member of Congress

Ted S. Yoho

Ted S. Yoho, DVM
Member of Congress

Tim Walberg

Tim Walberg
Member of Congress

Thomas J. Rooney

Thomas J. Rooney
Member of Congress

Martha McSally

Martha McSally
Member of Congress

Blake Farenthold

Blake Farenthold
Member of Congress

Jackie Walorski

Jackie Walorski
Member of Congress

Susan W. Brooks

Susan W. Brooks
Member of Congress

Stephen Fincher

Stephen Fincher
Member of Congress

Vicky Hartzler

Vicky Hartzler
Member of Congress

Todd Young

Todd Young
Member of Congress

Ralph Abraham, MD

Ralph Abraham, MD
Member of Congress

John Moolenaar

John Moolenaar
Member of Congress

Jim Renacci

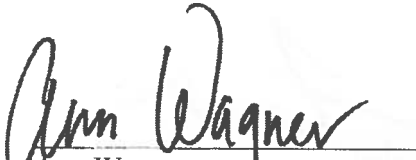
Jim Renacci
Member of Congress

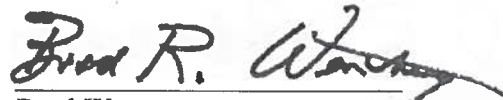
Bruce Westerman


Bruce Westerman
Member of Congress


Doug Lamborn


Doug Lamborn
Member of Congress



Ann Wagner
Member of Congress



Brad Wenstrup
Member of Congress

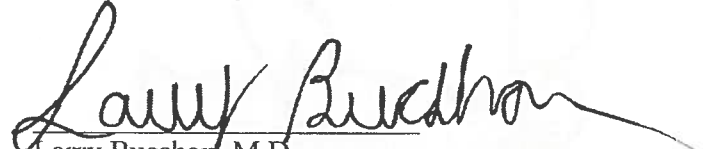

Marlin Stutzman
Member of Congress



Pat Tiberi
Member of Congress



Steven Palazzo
Member of Congress



John Ratcliffe
Member of Congress

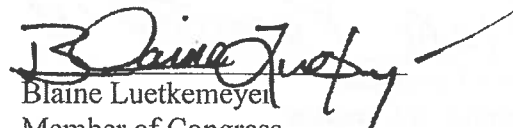

Todd Rokita
Member of Congress

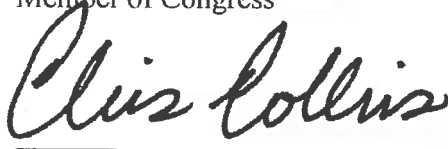

Larry Bucshon, M.D.
Member of Congress



Thomas Massie
Member of Congress



Warren Davidson
Member of Congress



Garret Graves
Member of Congress


Blaine Luetkemeyer
Member of Congress


Chris Collins
Member of Congress

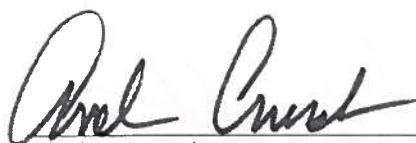

French Hill
Member of Congress


David Schweikert
Member of Congress

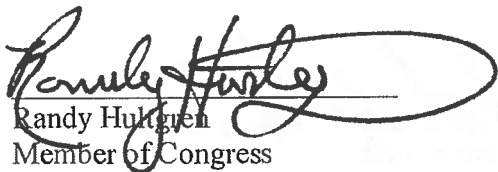

Jeff Duncan
Member of Congress



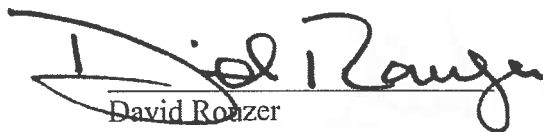
Darin LaHood
Member of Congress



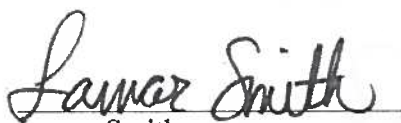
Ander Crenshaw
Member of Congress



Randy Hultgren
Member of Congress



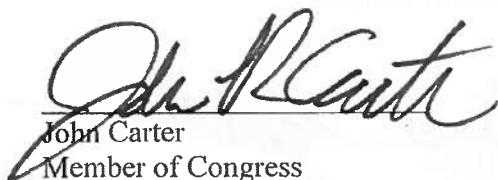
David Rouzer
Member of Congress



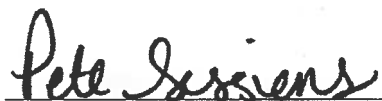
Lamar Smith
Member of Congress



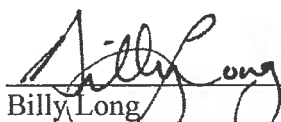
Sean Duffy
Member of Congress



John Carter
Member of Congress



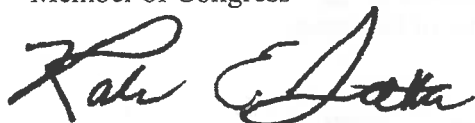
Pete Sessions
Member of Congress



Billy Long
Member of Congress



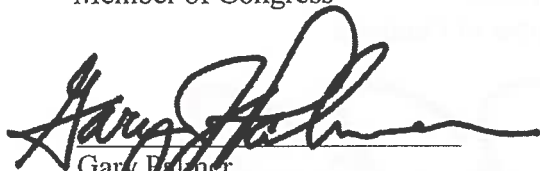
Ryan Zinke
Member of Congress



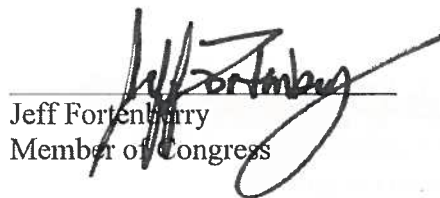
Robert E. Latta
Member of Congress



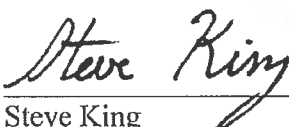
Bob Goodlatte
Member of Congress



Gary Palmer
Member of Congress



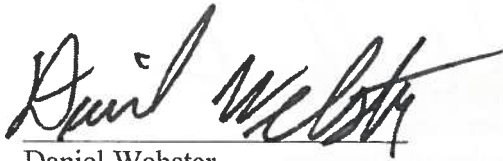
Jeff Fortenberry
Member of Congress



Steve King
Member of Congress



Dan Newhouse
Member of Congress



Daniel Webster
Member of Congress



Michael R. Turner
Member of Congress



Henry Cuellar, PhD
Member of Congress



Filemon Vela
Member of Congress



Steve Scalise
Member of Congress



Dan Benishek M.D.
Member of Congress



Mark Walker
Member of Congress



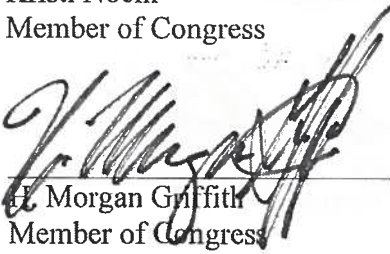
Fred Upton
Member of Congress



Kristi Noem
Member of Congress



Sam Graves
Member of Congress



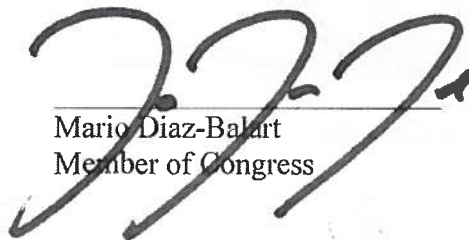
H. Morgan Griffith
Member of Congress



Bill Flores
Member of Congress



Robert Aderholt
Member of Congress



Mario Diaz-Balart
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC 16 2016

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Martha McSally
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman McSally:

Thank you for your November 1, 2016, letter to the U.S. Environmental Protection Agency regarding atrazine. Atrazine is currently undergoing re-evaluation at the EPA as part of the agency's mandated periodic review of registered pesticides.

As part of this process, the EPA released atrazine's draft ecological risk assessment for public comment in June 2016. The comment period closed on October 5, 2016. We will add your letter to the docket to capture it in the public record. The draft assessment does not recommend restrictions – i.e., measures to mitigate risks – on atrazine. Rather, the purpose of publishing the draft ecological risk assessment is to present information based on current science and policy and to solicit comments on the agency's methodologies, data and studies used to assess the potential ecological risks associated with the use of atrazine. In 2017, the agency anticipates completing the draft human health risk assessment and convening a Federal, Insecticide, Fungicide and Rodenticide Act (FIFRA) Scientific Advisory Panel (SAP) on the revised ecological risk assessment, after which, we will update the ecological risk assessment.

After the EPA has reviewed and considered the public and the SAP comments, then we will determine whether any mitigation measures on atrazine are necessary to address risk issues. That consideration will include a careful weighing of the risks posed by atrazine and the benefits of its use. The EPA is aware of the issues regarding the potential trade-off between atrazine usage and nutrient/water quality conservation. As with the draft risk assessments, the public will have an opportunity to comment on the agency's proposed mitigation measures and we will evaluate and consider the comments before making a decision.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Sven-Erik Kaiser in the EPA's Office of Congressional and Intergovernmental Relations at kaiser.sven-erik@epa.gov or (202) 566-2753.

Sincerely,

A handwritten signature in black ink, appearing to read "James J. Jones", is written over a horizontal line.

James J. Jones
Assistant Administrator



DEC 1 1962

TO: [illegible]

FROM: [illegible]

SUBJECT: [illegible]

[illegible text]

[illegible text]

[illegible text]

[illegible text]

[illegible signature and stamp]

Congress of the United States

Washington, DC 20515

October 5, 2016

Ms. Sarah W. Dunham
Director
Office of Atmospheric Programs
Environmental Protection Agency
William Jefferson Clinton Federal Building
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Ms. Dunham:

We are writing to express our concern with the Environmental Protection Agency's recent final ruling that mandates all residential refrigeration manufacturers must convert hydrofluorocarbon (HFC) refrigerants to hydrocarbon (HC) refrigerants by January of 2021. This will have a very damaging impact on small businesses that build customized built-in refrigerators, freezers and built-in refrigeration products, such as wine storage units. Specifically, we are concerned that the deadline will be harmful to Sub-Zero, Inc., which manufactures these products in Wisconsin and Arizona. We request that the Department work with the appliance industry and niche companies such as Sub-Zero to ensure a reasonable transition that takes into account the difficulty of re-engineering products to meet this deadline.

Sub-Zero is family-owned company which over the years has worked hard to successfully develop a niche market for built-in refrigeration units, as well as Wolf high-performance cooking products. It is a small business compared to the major U.S. and international mass market refrigerator manufacturers. Sub-Zero's cost in meeting government requirements for refrigerant substitutions is significantly higher on a per unit basis than the cost of its mass market competitors. Moreover, the engineering and redesign challenges associated with shifting from HFC to HC refrigerants are significantly more burdensome for small, niche market producers of built-in refrigeration units than stand-alone mass market refrigerators and freezers.

Sub-Zero and other U.S. manufacturers distribute and sell products employing HC refrigerant in various markets around the world, including the European Union (EU). The EU currently has a 150g HC limit while the United States currently has a 57g limit. However, all of Sub-Zero's large capacity freezers require over 100g of refrigerant for proper performance. Variants in the regulatory requirements of these two major markets present a costly and time-consuming challenge for small company manufacturers like Sub-Zero.

UL, the global independent safety science company, which is entrusted by regulators to test and certify the safety of electric appliances, is just now going through the process of assessing and determining the refrigerant charge size limit for HC appliances. It is expected that UL will need until 2019 to make a final determination for the safety limit. If UL decides that 57g must continue to be the charge size limit, Sub-Zero and other manufacturers will be required to undertake a major and complicated redesign of the refrigeration system for its large capacity freezers. Because this process for redesigning products – which includes lab testing, certification and field tests for performance and reliability – cannot commence until the UL final

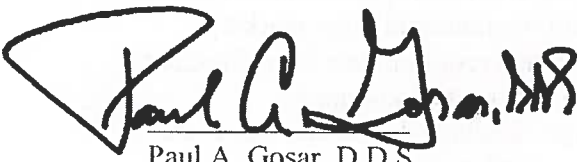
determination in 2019, market ready redesigns will not be completed until well after EPA's 2021 deadline.

The 2021 implementation deadline will likely prevent Sub-Zero and other manufactures of built-in refrigeration units from selling several product categories in the United States for a significant period of time until they are able to manufacture and market products that comply with the HC requirement. Suspension of sales will result in loss of market share for these niche products and could impact the company's jobs in Arizona and Wisconsin.

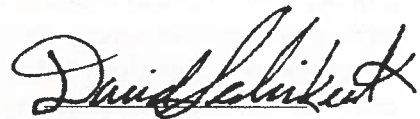
Finally, the financial cost of compliance to a small company like Sub-Zero is essentially the same as the cost of compliance for a large, publicly held manufacturer. However, the financial burden on small companies is significantly greater since small companies have less volume to amortize the cost and fewer resources to devote to compliance. Working with manufacturers of larger models that employ higher charged systems for performance, will allow smaller companies like Sub-Zero to spread the cost of compliance over a longer period of time and thereby reduce the fiscal pressure on the companies.

For these reasons, we strongly urge the Agency to work cooperatively with the appliance industry, and smaller manufacturers specifically to ensure that equity is provided throughout the entire residential refrigeration market. We appreciate your thoughtful consideration of this issue. As always, we ask that this matter is handled in strict accordance with all agency rules, regulations, and ethical guidelines. If you have any questions or concerns, please don't hesitate to contact our office.

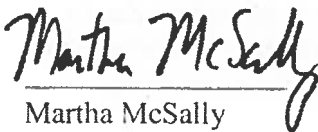
Sincerely,



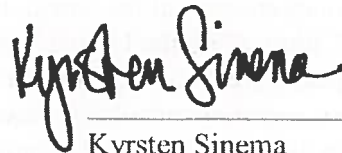
Paul A. Gosar, D.D.S.
Member of Congress



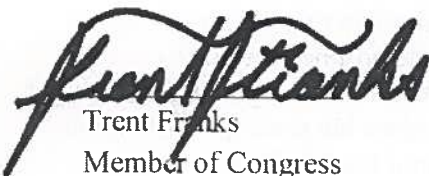
David Schweikert
Member of Congress



Martha McSally
Member of Congress



Kyrsten Sinema
Member of Congress



Trent Franks
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 29 2016

OFFICE OF
AIR AND RADIATION

The Honorable Martha McSally
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman McSally:

Thank you for your letter of October 5, 2016, regarding the U.S. Environmental Protection Agency's final rule, "Protection of Stratospheric Ozone: New Listings of Substitutes; Changes of Listing Status; and Reinterpretation of Unacceptability for Closed Cell Foam Products under the Significant New Alternatives Policy (SNAP) Program; and Revision of Clean Air Act Section 608 Venting Prohibition for Propane," signed on September 26, 2016.

The EPA appreciates that Sub-Zero, Inc. and other appliance manufacturers have taken the time to share with us their comments and concerns. How industry stakeholders—especially small manufacturers—will be affected by the final SNAP rule is a key consideration throughout the EPA's rule development process. Since the EPA issued the initial SNAP rule in 1994, the agency has worked closely with industry stakeholders and other federal agencies to list over 400 alternatives for all SNAP sectors and end-uses. This collaboration with industry has helped to ensure that listing decisions are informed by the most current understanding of environmental and human health risks associated with available and potentially available alternatives.

After extensive engagement with our stakeholders, and consideration of comments received from the appliance industry, the EPA established a final change of status date for the final SNAP rule of January 1, 2021, for a number of hydrofluorocarbon refrigerants used in household refrigerators and freezers. This timeline is intended to allow sufficient time for manufacturers to address the technical challenges of designing equipment using alternatives that remain acceptable. It is the Agency's understanding, for example, that some manufacturers have products that already use or can be redesigned to use flammable refrigerants under the existing regulations set by the Underwriters Laboratories (UL) standard for charge size.

The EPA also recognizes manufacturers' interest in the potential for UL standards to be reconsidered and harmonized with European standards. UL is currently reconsidering the charge limits for flammable refrigerants in its standard for household refrigerators and freezers. This is encouraging news, as was the June 2016 announcement by the Department of Energy, the American Society of Heating, Refrigerating, and Air Conditioning Engineers, the Air Conditioning, Heating, and Refrigeration Institute, and the State of California to fund vital research about the properties and uses of flammable refrigerants that could inform industry standards, including UL's. Throughout this transition away from hydrofluorocarbon refrigerants, the EPA will work with industry to provide appropriate technical support.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Patricia Haman in the EPA's Office of Congressional and Intergovernmental Relations at haman.patricia@epa.gov or (202) 564-2806.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet G. McCabe".

Janet G. McCabe
Acting Assistant Administrator

Congress of the United States

Washington, DC 20510

September 27, 2016

The Honorable Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator McCarthy,

We write to express our continued and serious concerns about the 2015 Ozone Standard of 70 parts per billion (ppb) and its effect on the state of Arizona.

In addition to contributing to economic strain while providing negligible health benefits, the new ozone standard harms Arizona by forcing the state to regulate ozone emissions that are beyond its control. Arizona's ability to comply with the 70 ppb ozone standard is significantly impacted by the influx of contributing emissions from international and interstate transport, vehicles, and natural sources. As you know, these emissions fall well outside the jurisdiction and control of the state of Arizona and would unfairly penalize our communities and businesses.

For example, the Yuma Metropolitan Area will be designated by the Environmental Protection Agency (EPA) as a "nonattainment area" with regard to the 2015 Ozone Standard. Yet, according to the EPA's National Emission Inventory (NEI), industrial or commercial sources in Yuma are responsible for producing only 0.2 percent of volatile organic compounds (VOC) and a mere 5 percent of the nitrogen oxide (NOx) emissions in its metropolitan area. The NEI reflects that the vast majority of VOCs generated in Yuma are from natural sources, while vehicles regulated by the EPA are the significant contributing source for the NOx emissions generated there. In fact, by the EPA's own admission, the predominant sources of Yuma's ozone emissions are Mexico and California, not the commercial and industrial sources that will bear the financial and regulatory burdens of this "nonattainment area" designation. This appears to be contrary to the intentions of the standard.


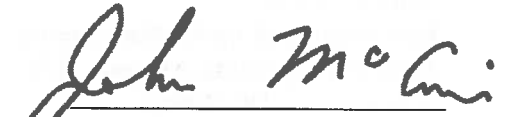

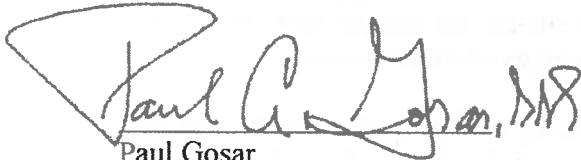
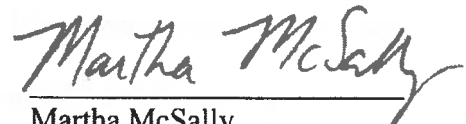

Nine of the ten counties in Arizona that monitor for ozone are in serious jeopardy of exceeding the 2015 Ozone Standard, especially if dry meteorological conditions persist over the next three years. Even if these counties could qualify for various exceptions, it would not make a difference. The counties would still be in a perpetual nonattainment status until the contributing sources, including those which originate internationally, in another state, or naturally, are mitigated.

International and interstate air pollution transport is of paramount concern to Arizona. Under the agency's legislative authority, what if any practical mechanism is available to the Western United States to address these significant issues in a meaningful way? We urge you to avoid moving forward in a manner that is guaranteed to cause irreparable harm to Arizona's economy by

The Honorable Gina McCarthy
September 27, 2016
Page 2

requiring even further emission offsets and more stringent permitting requirements for major sources while offering negligible benefit to public or environmental health.

Sincerely,


Jeff Flake
United States Senator
John McCain
United States Senator
Trent Franks
Member of Congress
David Schweikert
Member of Congress
Paul Gosar
Member of Congress
Martha McSally
Member of Congress
Matt Salmon
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 20 2016

OFFICE OF
AIR AND RADIATION

The Honorable Martha McSally
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman McSally:

Thank you for your letter of September 27, 2016, to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the Ozone National Ambient Air Quality Standards (NAAQS). The Administrator asked that I respond on her behalf.

As you know, the EPA sets NAAQS to protect public health and the environment from six common pollutants, including ground-level ozone. The Clean Air Act requires the EPA to review these standards every five years to ensure that they are sufficiently protective. On October 1, 2015, the EPA strengthened the NAAQS for ground-level ozone to 70 parts per billion, based on extensive scientific evidence about ozone's effects on public health and welfare. The final updated standards will improve public health protection, particularly for at-risk groups including children, older adults, people of all ages who have lung diseases such as asthma and people who are active outdoors, especially outdoor workers. The standards also will improve the health of trees, plants, crops and ecosystems.

The EPA recognizes that in some areas of Arizona, there may be some uncommon ozone pollution challenges. Congress established requirements for implementing the health-based NAAQS standards that recognize issues like background ozone and interstate transport to ensure that states are not responsible for emissions they cannot reasonably control. We will work with states – Arizona included – that may be significantly affected by air pollution from background ozone and from other states, to ensure that all relevant Clean Air Act flexibilities are appropriately used. The EPA will continue working closely with tribes and local air quality officials, nongovernmental organizations, interested commercial representatives, and other federal agencies to explore strategies and technologies to reduce pollution and improve public health protection.

The EPA officials are meeting with the Arizona Department of Environmental Quality (ADEQ) and local officials to discuss various options for those areas in the State of Arizona that could potentially be designated as nonattainment for the 2015 ozone standard. While it appears that only four Arizona counties (Maricopa, Pinal, Yuma, and a very small portion of Gila) are not meeting the health-based standard based on 2013–2015 data, we understand the concerns that you are expressing on their behalf. We will work with ADEQ to explore the various ways that the nonattainment problem can be addressed under the Clean Air Act.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Matthew Davis in the EPA's Office of Congressional and Intergovernmental Relations at davis.matthew@epa.gov or at (202) 564-1267.

Sincerely,

A handwritten signature in dark ink, appearing to read "Janet G. McCabe". The signature is fluid and cursive, with the first name "Janet" being more prominent.

Janet G. McCabe
Acting Assistant Administrator

Congress of the United States
Washington, DC 20515

June 23, 2016

The Honorable Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator McCarthy:

We write regarding the Supreme Court's orders granting applications from states and stakeholders to stay the "Clean Power Plan" (CPP) and your statements in a March 2016 congressional hearing on the implications of the Court's action. Specifically, we seek clarification to ensure that your statements do not result in states and other stakeholders expending scarce resources to unnecessarily comply with the CPP's deadlines. It is our belief that such actions would undermine the very purpose of the Court's orders.

As you know, five applications for relief were submitted to the Court, each requesting a stay of the CPP. One of those applications also explicitly requested "an immediate stay of EPA's rule, extending all compliance dates by the number of days between publication of the rule and a final decision by the courts, including this Court, relating to the rule's validity." Another asked that the CPP be "be stayed, and all deadlines in it suspended, pending the completion of all judicial review." Every brief opposing the applications acknowledged the requests to extend the compliance deadlines.

Moreover, long-held precedence recognizes that any request for stay carries with it the inherent tolling of all compliance deadlines if that stay were lifted. Thus, the Department of Justice stated in its brief, "In requesting a 'stay,' however, applicants . . . *explicitly or implicitly* ask this Court to toll all of the relevant deadlines set forth in the Rule, even those that would come due many years after the resolution of their challenge, for the period between the Rule's publication and the final disposition of their lawsuits" (emphasis added). In fact, the Department of Justice told the Court that granting the applications "would *necessarily and irrevocably* extend every deadline set forth in the Rule" (emphasis added).

On February 9, 2016 the Court issued five separate and virtually identical orders on the applications. Each order stated, "The application for a stay . . . is granted." We agree with the Department of Justice that in granting these applications without limitation, the Supreme Court both stayed the CPP and necessarily and irrevocably extended all related CPP compliance deadlines.

In a March 22, 2016 hearing before two House Energy and Commerce subcommittees, you were asked whether—if the CPP was upheld—the various compliance deadlines would also be extended by the amount of time equal to the completion of judicial review. In your response, you

stated, “Well that’s not what the Supreme Court said, but we assume that the courts will make that judgement over time or will leave that to EPA to make their own judgement.” When pressed further, you responded by saying, “. . . the Supreme Court didn’t speak to that issue. The only thing they spoke to was the stay of the rule. They didn’t speak to any tolling or what it meant in terms of compliance time.”

As the Department of Justice’s own conclusions make clear, the Court did speak to tolling when it granted the applications for relief that explicitly or implicitly requested the tolling of compliance deadlines. Those Court orders necessarily and irrevocably extended the CPP’s deadlines, allowing states to hit “pause” on compliance measures during legal challenge of the CPP, so that states are not required to spend billions of dollars on immense, and in many cases irreversible, actions to implement a regulation that may never come. This harm is what drove petitioners to request relief from the Supreme Court in the first place.

We are concerned that your statements before Congress undermine the certainty that the American people deserve and the Supreme Court was seeking to provide when it granted applications to stay the CPP and toll its deadlines. If ambiguity here drives states and stakeholders to meet all CPP compliance deadlines anyway, then the Court’s action will be meaningless.


In order to provide clarity to the states, utilities, and other critical stakeholders, we respectfully ask you to provide answers to the following questions:

1. Two of the applications for relief from the CPP submitted to the Supreme Court explicitly asked the Court to extend all CPP deadlines for a period equal to that of the stay. The Department of Justice concluded that all of the applications made the same request, if not explicitly, then implicitly. The Court granted these requests for relief without any limitation. How do you reconcile these facts with your claim that “the Court didn’t speak to any tolling”?
2. Did any EPA official review the Department of Justice’s brief in response to the applications before that brief was submitted to the Supreme Court?
3. At any point before the Supreme Court issued its orders on February 9, 2016, did any EPA official object to language in the Department of Justice’s brief concluding that granting the stay “would necessarily and irrevocably extend every deadline set forth in the Rule”? Does EPA now disagree with that conclusion? If so, please provide EPA’s official legal interpretation.
4. Is EPA relying on specific precedent to conclude the stay order does not toll all deadlines outlined in the final CPP rule? If so, include any such examples or case law in EPA’s interpretive memo as requested in question 3 above.
5. If EPA does not disagree with the Department of Justice’s conclusion that the relief requested and granted by the Court “necessarily and irrevocably” extends all CPP deadlines, then what steps is EPA taking to prepare to extend all CPP deadlines in the event the stay is lifted?

6. Why is it necessary for the Court's orders staying the CPP to "speak to any tolling" if, by the Department of Justice's own admission, those orders "implicitly," "necessarily," and "irrevocably" "extend every deadline set forth in the Rule"?
7. The Supreme Court stayed the CPP to prevent states and stakeholders from being irreparably harmed by the rule's deadlines during the judicial challenge. How would the Court's order protect states and stakeholders from irreparable harm if, upon reinstatement of the rule, those states and stakeholders did not receive an equivalent length of time to comply with the CPP?
8. EPA officials have stated the agency is developing regulations expressly related to and arising out of the final CPP, specifically the Clean Energy Incentive Plan (CEIP). The program is intrinsically linked to the implementation of the CPP and a public request for comment through issuing a proposed rule would effectively obligate stakeholders to the current CPP litigation to dedicate resources to study and comment on the proposed regulation. Given that the CEIP's fate is directly tied to the CPP litigation, what authority is the EPA relying on to conclude these actions do not contravene the Supreme Court's stay of CPP?


We look forward to your response on this matter.

Sincerely,

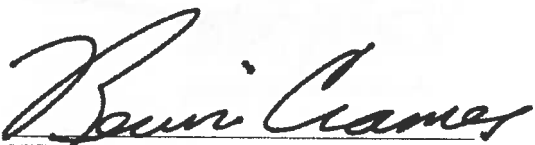

JOHN RATCLIFFE
Member of Congress

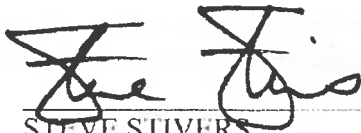

BRUCE WESTERMAN
Member of Congress


MIMI WALTERS
Member of Congress


CYNTHIA M. LUMMIS
Member of Congress


DAVID B. MCKINLEY, P.E.
Member of Congress


KEVIN CRAMER
Member of Congress



STEVE STIVERS
Member of Congress



BOB GIBBS
Member of Congress



LOUIE GOHMERT
Member of Congress



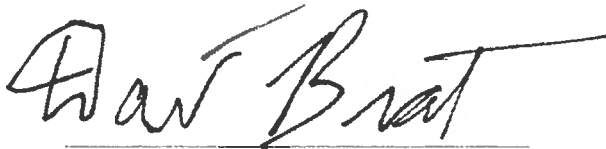
PETE SESSIONS
Member of Congress



WALTER B. JONES
Member of Congress



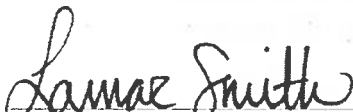
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DAVE BRAT
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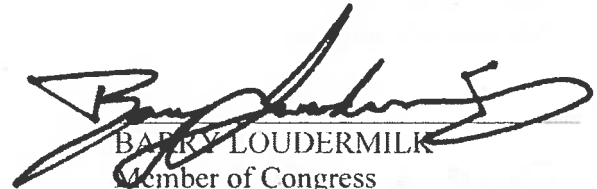
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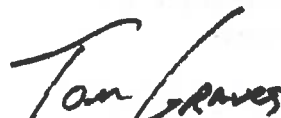
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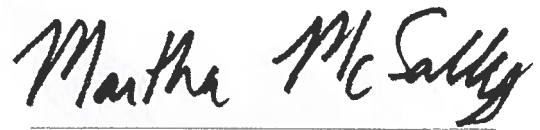
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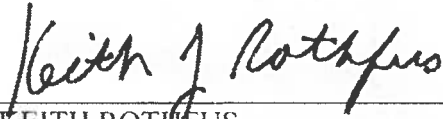
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PAUL A. GOSAR
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KEITH ROTHFUS
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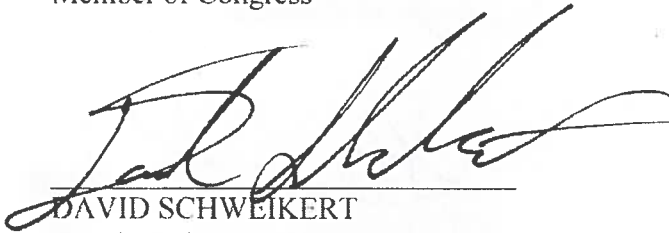
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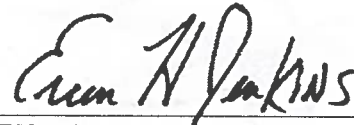
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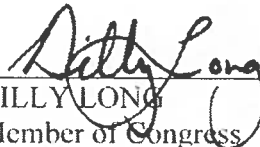
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RALPH ABRAHAM, M.D.
Member of Congress



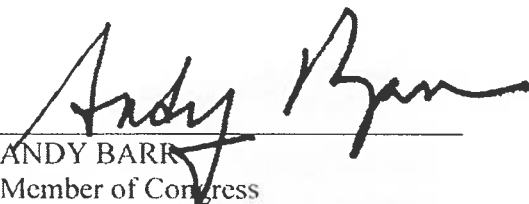
BILLY LONG
Member of Congress



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RANDY WEBER
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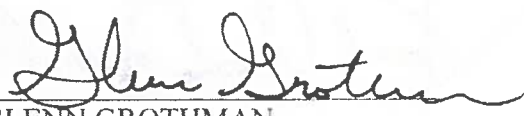
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TRENT KELLY
Member of Congress



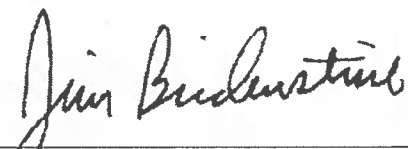
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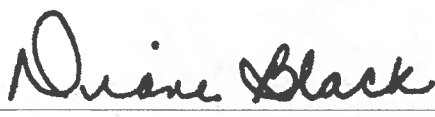
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Member of Congress



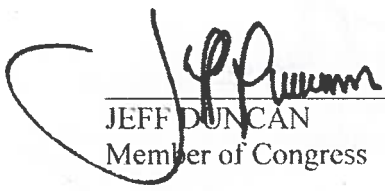
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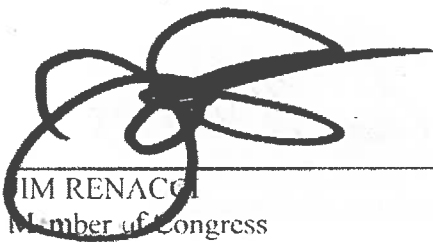
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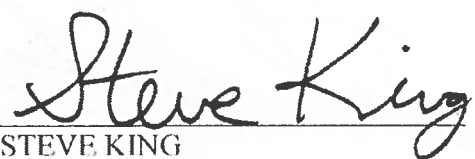
DIANE BLACK
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JEFF DUNCAN
Member of Congress



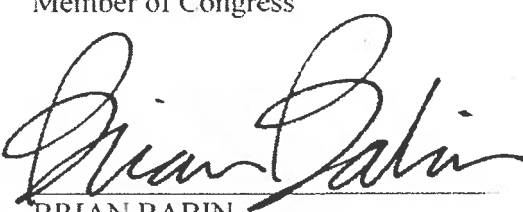
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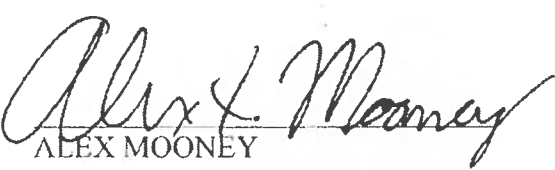
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JOE BARTON
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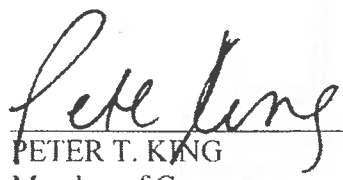
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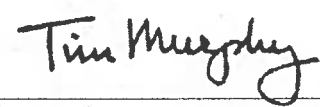
ALEX MOONEY
Member of Congress



JACKIE WALORSKI
Member of Congress



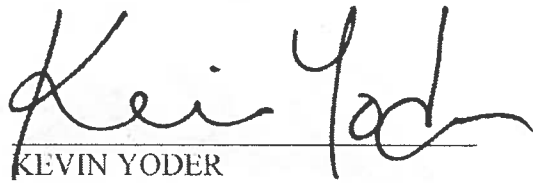
PETER T. KING
Member of Congress



TIM MURPHY
Member of Congress



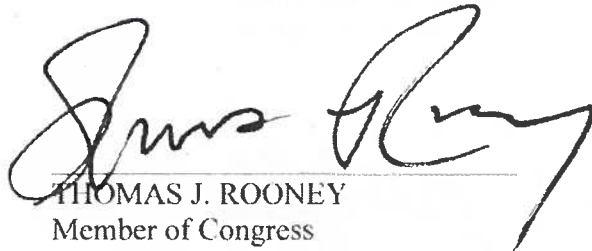
STEVE CHABOT
Member of Congress



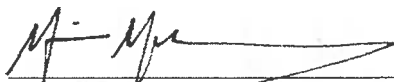
KEVIN YODER
Member of Congress



JOHN CULBERSON
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THOMAS J. ROONEY
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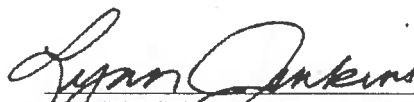
MICK MULVANEY
Member of Congress



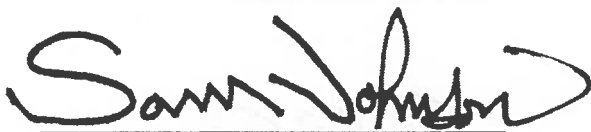
MIKE BISHOP
Member of Congress



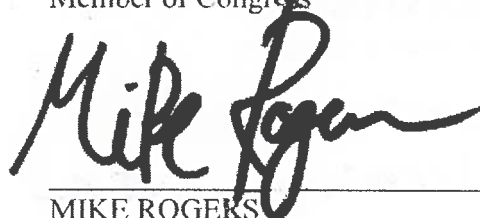
GARY PALMER
Member of Congress



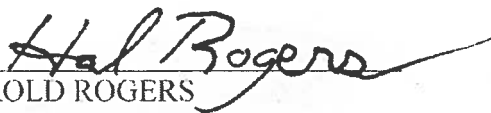
LYNN JENKINS, CPA
Member of Congress



SAM JOHNSON
Member of Congress



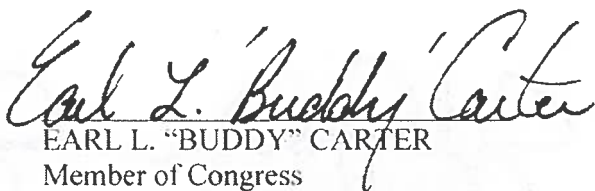
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Member of Congress



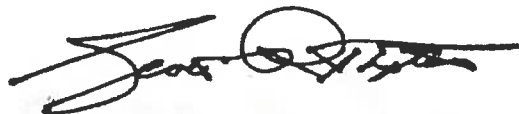
HAROLD ROGERS
Member of Congress



LUKE MESSER
Member of Congress



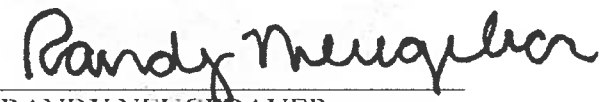
EARL L. "BUDDY" CARTER
Member of Congress




SCOTT TIPTON
Member of Congress



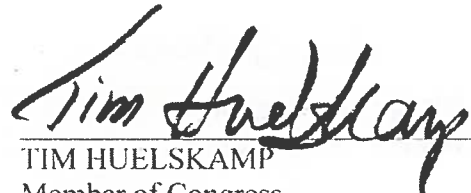
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Member of Congress



RANDY NEUGEBAUER
Member of Congress



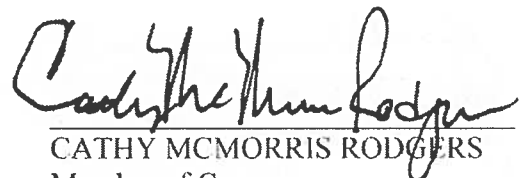
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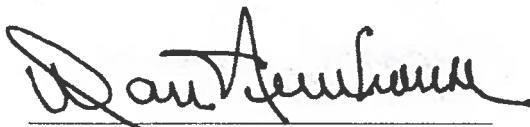
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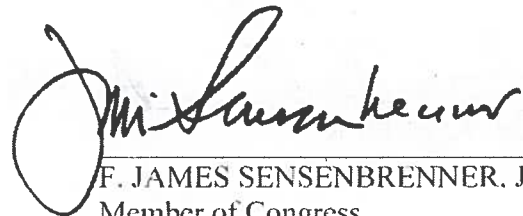
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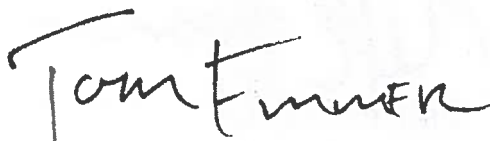
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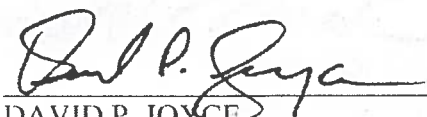
DAN NEWHOUSE
Member of Congress



F. JAMES SENSENBRENNER, JR.
Member of Congress



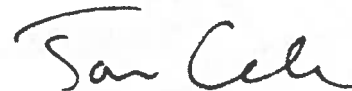
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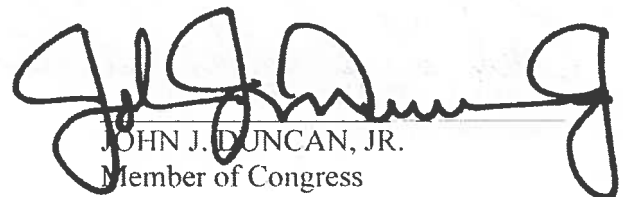
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Member of Congress



TOM COLE
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TOM MCCLINTOCK
Member of Congress



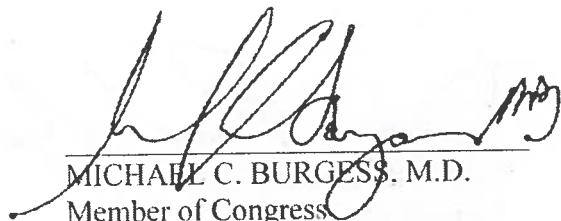
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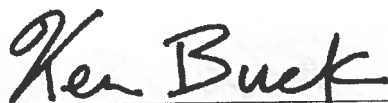
WILL HURD
Member of Congress



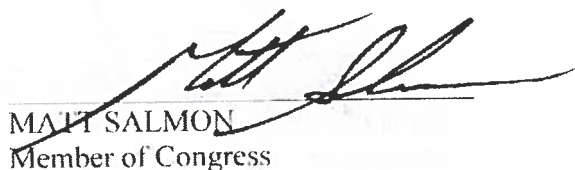
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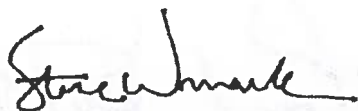
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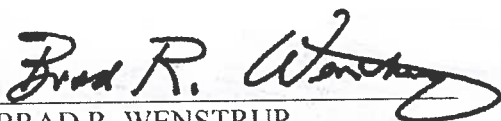
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MATT SALMON
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Member of Congress



BRAD R. WENSTRUP
Member of Congress



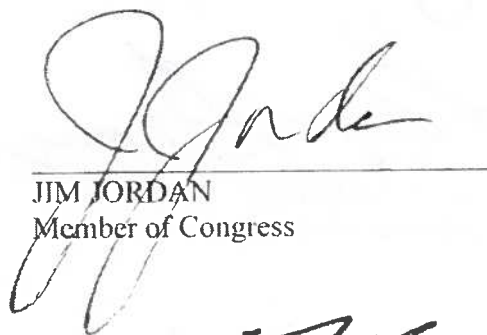
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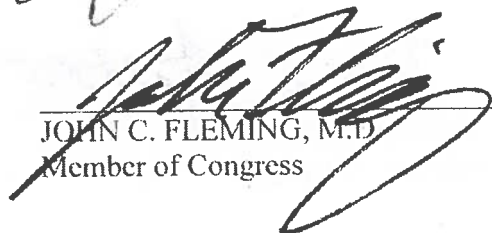
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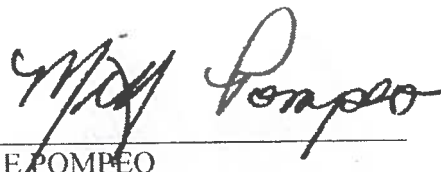
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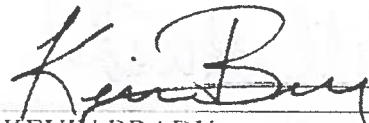
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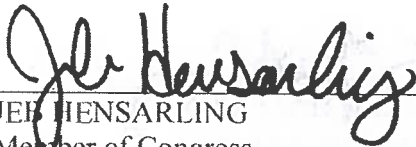
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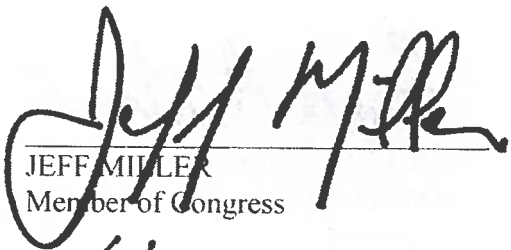
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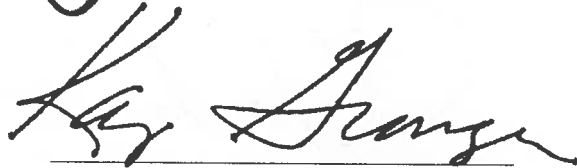
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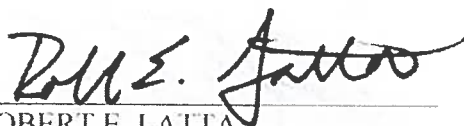
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KAY GRANGER
Member of Congress



BLAKE FARENTHOLD
Member of Congress



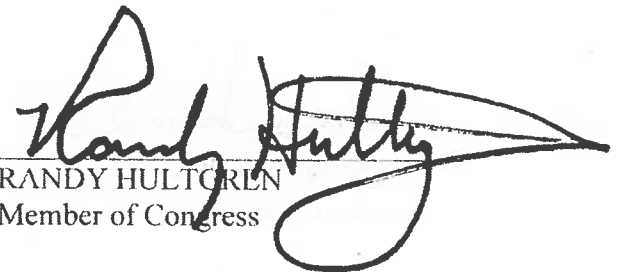
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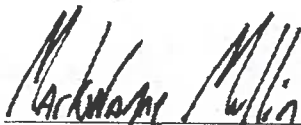
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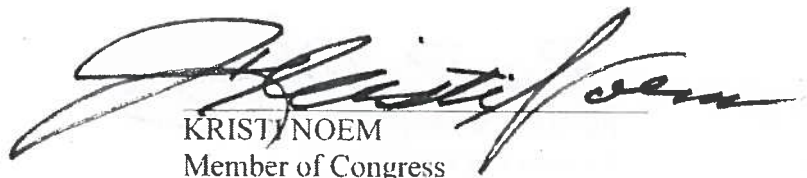
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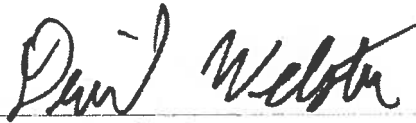
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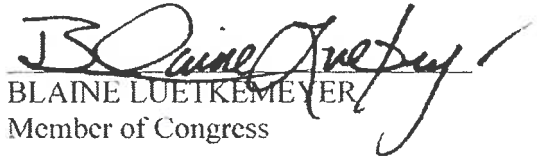
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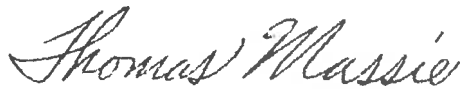
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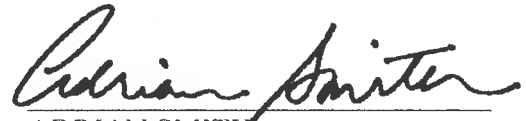
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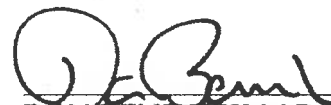
THOMAS MASSIE
Member of Congress



ADRIAN SMITH
Member of Congress



BILL FLORES
Member of Congress



DAN BENISHEK M.D.
Member of Congress



TED POE
Member of Congress



DARIN LAHOOD
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

September 29, 2016

OFFICE OF
AIR AND RADIATION

The Honorable Martha McSally
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman McSally:

Thank you for your letter of June 23, 2016, to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the Supreme Court stay of the Clean Power Plan (CPP) and assistance the EPA is providing to states while the stay is in effect. The Administrator asked that I respond on her behalf.

On February 9, 2016, the Supreme Court stayed the CPP pending judicial review before the U.S. Court of Appeals for the D.C. Circuit and any subsequent proceedings in the Supreme Court. The EPA firmly believes the Clean Power Plan will be upheld when the courts address its merits because it rests on strong scientific and legal foundations. However, it is clear that no one has to comply with the Clean Power Plan while the stay is in effect. During the pendency of the stay, states are not required to submit anything to the EPA, and the EPA will not take any action to impose or enforce any such obligations. For example, we clearly communicated to states that they were not required to make initial submittals on September 6, 2016.

On June 16, 2016, Administrator McCarthy signed a proposed rule providing details about the optional Clean Energy Incentive Program (CEIP). When final, this will help guide states and tribes that choose to participate in the CEIP when the Clean Power Plan becomes effective. You asked a number of questions about the EPA's legal authority to proceed with the CEIP and other matters related to the CPP. In Section II of the preamble, we discuss why we are issuing the CEIP Design Details proposal, including the legal authority for doing so while the stay is in effect. The proposal is currently out for public comment and is available at <https://www.epa.gov/cleanpowerplan/clean-energy-incentive-program>. The proposal published in the Federal Register June 30, 2016. The EPA has extended the public comment period an additional 60 days until November 1, 2016. We held a public hearing in Chicago on August 3, 2016. We encourage interested parties to submit comments, identified by Docket ID No. EPA-HQ-OAR-2016-0033. As with all the EPA's rulemakings, we will take the concerns expressed at these hearings, as well as those expressed in written comments into consideration as we move forward.

With respect to other activities, EPA intends to continue providing assistance to states, while being clear that we will respect the stay so long as it is in effect.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Kevin Bailey in the EPA's Office of congressional and Intergovernmental Relations at bailey.kevinj@epa.gov or at (202) 564-2998.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet G. McCabe".

Janet G. McCabe
Acting Assistant Administrator

Congress of the United States
House of Representatives
Washington, DC 20515

June 8, 2016

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator McCarthy,

We write to express concern regarding the Environmental Protection Agency's (EPA) implementation of the Renewable Fuel Standard (RFS). As you know, EPA's 2016 rule increasing Renewable Volume Obligations (RVOs) is projected to move us beyond the blend wall. We remain concerned about the lack of consumer awareness surrounding the limitations of E15 and the damage it can cause to engines and infrastructure. As such, we ask EPA to provide information as to how the agency plans to ensure that consumers are given adequate information regarding this issue.

Following EPA's final rule issued on November 30, 2015, the use of ethanol blends such as E15 will be increasingly required in order to meet EPA's RVO requirements. Since 2011, EPA has recognized the limitations of E15 and only approved E15 for use in conventional motor vehicles of model year 2001 and newer. In its approval process, the EPA prohibited the use of E15 in non-approved engines, including motorcycles, off-road vehicles, boats and marine equipment, small spark-ignited engines, and vehicles older than 2001. Accompanying the E15 waiver, EPA consented to the 2012 Misfueling Mitigation Plan to help provide guidance and protections to retailers and consumers. Thus, to date, the only information offered to consumers, to our knowledge, has been an at-the-pump, 3x3 inch label, which has not provided sufficient awareness of the dangers of mistakenly fueling with E15.

Additionally, in its 2015 rulemaking, EPA recognized its RVOs for 2016 will put pressure on the market to exceed the E10 blend wall, acknowledging that meeting the increased volume level could require significantly greater use of E15. Thus, for the first time, the ethanol content of our nation's gasoline supply will exceed the amount of ethanol that can be safely accommodated by much of our infrastructure and in non-approved engines, like motorcycles, boats, and outdoor power equipment. This is of particular concern because, according to a recent report, only five percent of consumers are currently aware that E15 is prohibited for use in certain engines, with 60 percent of consumers assuming that any gas sold at a gas station must be



safe for all of their engines. Only 24 percent of consumers notice ethanol content while at the pump¹.

However, while consumers remain unaware of the high cost of inappropriate use of E15, misfueling can lead to significant problems. According to the American Automobile Association, American Motorcyclist Association, and National Marine Manufacturers Association, use of E15 will instantly void warranties for their engine products. Additionally, research conducted by the marine industry shows that E15 use in marine engines can pose serious safety and technology concerns, including operational malfunctions and complete engine failure.

As E15 supplies increase across the country, uninformed consumers will make fueling mistakes, resulting in costly and dangerous malfunctions. Therefore, we request information on what type of research EPA has performed, and any data it has collected, to understand the current level of consumer awareness regarding the dangers inherent in the inappropriate use of E15. In addition, we request information as to what actions EPA has taken to address consumer awareness and ensure the American public has the information it needs to avoid the consequences inherent within the distribution and use of midlevel blends of ethanol, like E15.

Congress will continue to seek a permanent solution for the RFS, but until then it is imperative that EPA take upon itself the responsibility to reduce the likelihood of widespread fueling mistakes associated with E15. We request a response as to how the agency plans to prevent such avoidable accidents if it intends to continue to administer the RFS in a manner that increases RVOs to a level beyond the blend wall. We look forward to hearing from you.

Sincerely,



Bob Goodlatte
Member of Congress



Peter Welch
Member of Congress



Steve Womack
Member of Congress



Bill Flores
Member of Congress

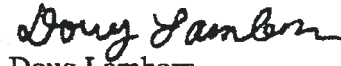


Jim Costa
Member of Congress

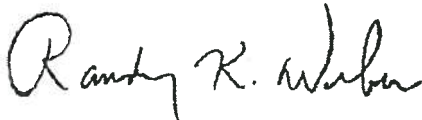
¹ "A Survey about Ethanol, Fuel and Gasoline Pumps" prepared by Harris Poll (March, 2016)



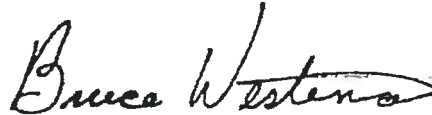
Walter B. Jones
Member of Congress



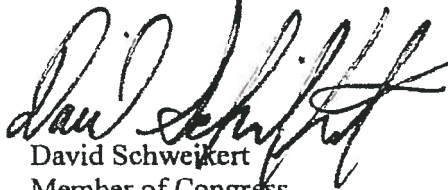
Doug Lamborn
Member of Congress



Randy Weber
Member of Congress



Bruce Westerman
Member of Congress



David Schweikert
Member of Congress



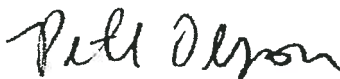
Paul Gosar
Member of Congress



Mo Brooks
Member of Congress



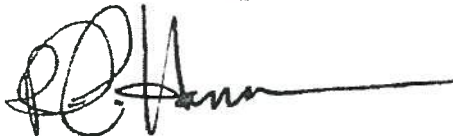
Blake Farenthold
Member of Congress



Pete Olson
Member of Congress



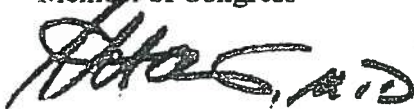
Keith Rothfus
Member of Congress



Richard Hanna
Member of Congress



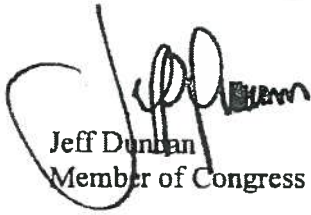
Martha McSally
Member of Congress



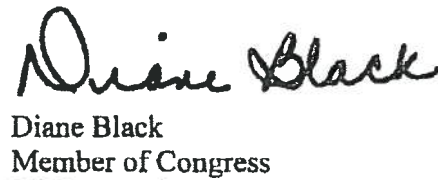
Andy Harris
Member of Congress



Doug LaMalfa
Member of Congress



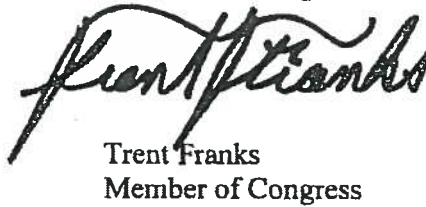
Jeff Duncan
Member of Congress



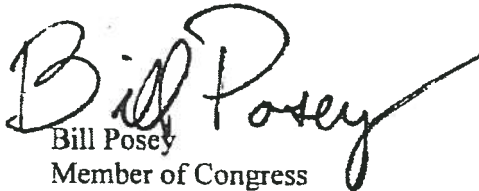
Diane Black
Member of Congress



Frank LoBiondo
Member of Congress



Trent Franks
Member of Congress



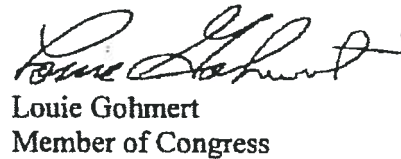
Bill Posey
Member of Congress



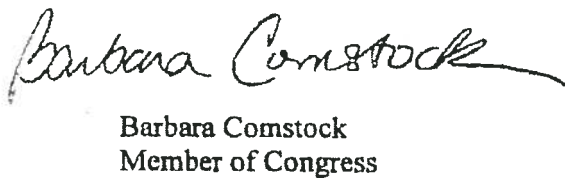
Bradley Byrne
Member of Congress



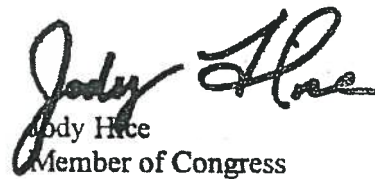
Pete Sessions
Member of Congress



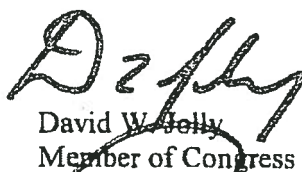
Louie Gohmert
Member of Congress



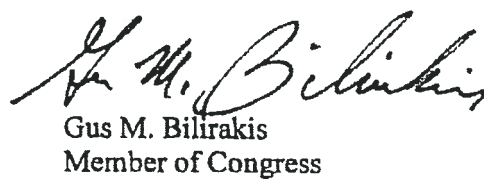
Barbara Comstock
Member of Congress



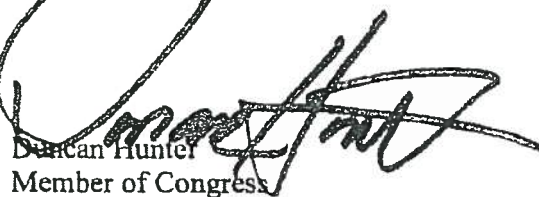
Jody Hice
Member of Congress



David W. Bonior
Member of Congress



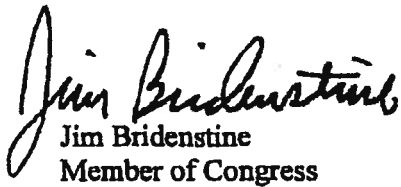
Gus M. Bilirakis
Member of Congress



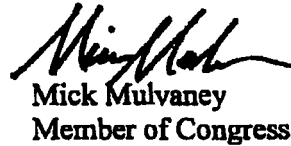
Duncan Hunter
Member of Congress



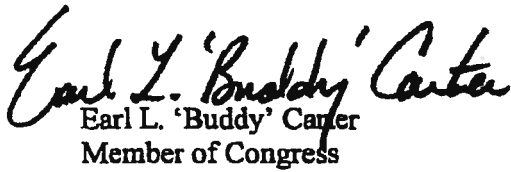
Todd Rokita
Member of Congress




Jim Bridenstine
Member of Congress



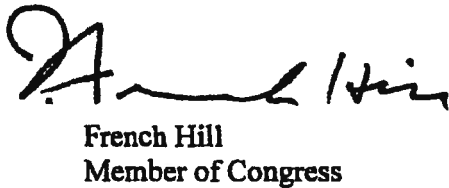
Mick Mulvaney
Member of Congress



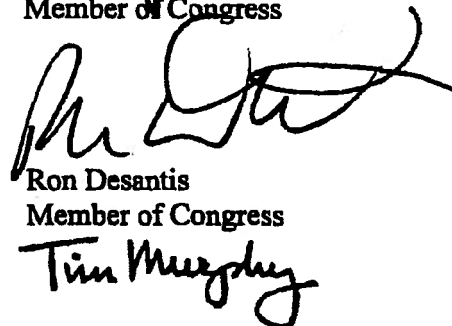
Earl L. 'Buddy' Carter
Member of Congress



Doug Collins
Member of Congress



French Hill
Member of Congress

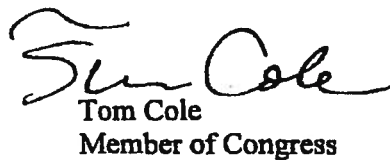


Ron Desantis
Member of Congress

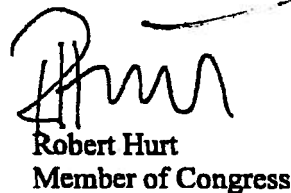


Brad Wenstrup
Member of Congress

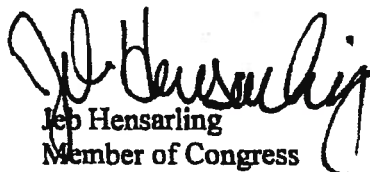
Tim Murphy
Member of Congress



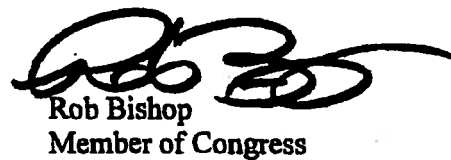
Tom Cole
Member of Congress



Robert Hurt
Member of Congress



Jeb Hensarling
Member of Congress



Rob Bishop
Member of Congress

**CONGRESSMAN BOB GOODLATTE**

6th District, Virginia
U.S. House of Representatives
Phone: (202) 225-5431

2309 Rayburn Building
Washington, D.C. 20515
Fax: (202) 225-9681

To: The Environmental Protection Agency

Fax: (202) 501-1519

Phone: (202) 564-5200

From: ☒ Bob Goodlatte ☐ Charlie Keller ☐ Lindsay Yates
☐ Mary Pritschau ☐ Beth Breeding ☒ Angela Inglett
☐ Chrissi Lee ☐ Temple Moore ☐ Mike Ambrose
☐ _____

Number of pages to follow: 5

Message: Please deliver to Administrator McCarthy or
any other correct staffer.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV - 3 2016

OFFICE OF
AIR AND RADIATION

The Honorable Martha McSally
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman McSally:

Thank you for your letter of June 8, 2016, to U.S. Environmental Protection Agency Administrator Gina McCarthy, regarding the EPA's final rule setting the 2016 standards for the Renewable Fuel Standard (RFS) program and concerns regarding E15. The Administrator has asked me to respond to you on her behalf.

As you know, the EPA is required under the Clean Air Act to set annual standards for the RFS program each year. The statute requires the EPA to establish annual percentage standards for cellulosic biofuel, biomass-based diesel, advanced biofuel, and total renewable fuels that apply to gasoline and diesel produced or imported in a given year. However, it is important to remember that the statute did not set a "standard" or requirement for ethanol.

In the final applicable standards for 2016 that we issued on November 30, 2015 (80 FR 77419, December 14, 2015), we finalized volumes that will require significant growth in overall renewable fuel production and use over historical levels, consistent with Congress's clear intent to increase renewable fuels over time to address climate change and increase energy security. While ethanol is currently the predominant renewable fuel used to satisfy the standards, obligated parties have other options for demonstrating compliance. The market will ultimately determine whether the required RFS volumes are met with ethanol, either as E10 or higher-level ethanol blends, or with non-ethanol renewable fuels. Other renewable fuels, such as biodiesel and renewable diesel, can and are being used to meet the overall volume goals of the program.

Regarding your concerns over E15 misfueling, we believe the suite of measures (misfueling prohibition, labeling, etc.) finalized in the E15 Misfueling Mitigation Rule are sufficient, but encourage fuel providers to do more as appropriate for their circumstances.³⁵ We considered other misfueling mitigation measures in developing the final rule (for example, distinctive nozzle grips or keypad/touch screen information/confirmation), but we did not finalize any of them given the lack of data on their effectiveness and uncertainties about when, where, and how E15 will be marketed (e.g., pump types, pricing). The final label was developed in consultation with the Federal Trade Commission (FTC).

³⁵ See 76 *Federal Register* 44406, July 25, 2011.

Based on this consultation, the specific language on the label was chosen to draw consumers' attention and effectively communicate that care must be taken in fueling with E15 without unduly discouraging appropriate use of E15. We will continue to work with stakeholders as E15 is introduced to evaluate the effectiveness of the required measures. We also highly encourage affected stakeholders to participate in the E15 Education and Outreach Coalition to help improve consumer awareness on the appropriate use of E15.³⁶

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Patricia Haman in the EPA's Office of Congressional and Intergovernmental Relations at haman.patricia@epa.gov or at (202) 564-2806.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet G. McCabe", with a stylized flourish at the end.

Janet G. McCabe
Acting Assistant Administrator

³⁶ For more information, see the following website: <http://www.e15fuel.org>.

Congress of the United States
Washington, DC 20515

April 20, 2016

The Honorable Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Washington, D.C. 20460

Dear Administrator McCarthy,

We write to you today to express our extreme concern with the Environmental Protection Agency (EPA) Region 10 funded whatsupstream.com website and campaign, which recently has come to our attention. While we appreciate EPA's recent admission that wrongdoing occurred and that the campaign should never have been federally funded,¹ we are still confused why EPA would have approved an award clearly violating a number of federal laws pertaining to funding propaganda, advocacy, and lobbying efforts. We find this revelation particularly disturbing, as it follows closely to both the EPA Office of Inspector General (OIG) questioning of Region 10's award monitoring and a December 2015 Government Accountability Office (GAO) report that found EPA had committed similar violations on social media advocacy campaigns supporting EPA's Waters of the United States (WOTUS) regulation (also known as the "Clean Water Rule").

As you are no doubt aware, federal law clearly directs that, "No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress."² Further restrictions clearly prohibit federal funds being used for many of the advocacy and publicity materials used by the whatsupstream.com campaign, including publications, radio, and electronic communications.³ Despite this stark prohibition, the website whatsupstream.com has a button at the top of its site directing visitors to, "Take Action! We've made it simple." This button loads auto-generated text that will be sent to the visitor's respective Washington State legislators, urging the legislators to support, "stronger laws protecting the health of our water resources in Washington," by encouraging, "100-foot natural buffers between agriculture lands and streams." Additionally this site asserts that, "state government must hold the agricultural industry to the same level of responsibility as other industries...." To be clear, whatsupstream.com has a disclaimer at the bottom of its website stating, "This project has been funded wholly or in part by the United States Environmental Protection Agency." Based on our review of EPA Puget Sound Financial and Ecosystem Accounting Tracking System (FEATS) project reports, it appears that this campaign has been wholly funded by the EPA with no matching funds provided by any private or state and local government entities.⁴

Currently, the Washington State Department of Ecology is in the process of renewing the requirements for its National Pollutant Discharge Elimination System (NPDES) permits for Concentrated Animal Feeding Operations (CAFOs). The Washington State legislature has also considered other water quality and agricultural related legislation during this same time period. These state regulatory and legislative initiatives were pending and under consideration during the same time of the lobbying efforts funded by EPA.

¹ Don Jenkins, *Capital Press*, April 5, 2016, <http://www.capitalpress.com/Nation/World/Nation/20160405/epas-reversal-on-whats-upstream-rings-hollow-to-ag-groups>

² *Consolidated and Furthering Continuing Appropriations Act, 2013*, Public Law 113-6, 127 Stat. 269 (2013)

³ *Consolidated Appropriations Act, 2014*, Public Law 113-76, 128 Stat. 408 (2014)

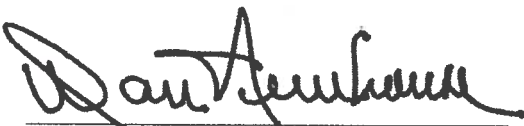
⁴ EPA Puget Sound Financial and Ecosystem Accounting Tracking Systems, PA-00J322-01, September 30, 2015, <http://blogs.nwifc.org/psp/files/2016/02/Swinomish-FY12-4.1.15-9.30.15.pdf>

What is more disturbing is that a July 14, 2014 report by the EPA's OIG found that Region 10 EPA project officers, "emphasized overall progress rather than compliance with specific subaward requirements. This emphasis on overall progress increased the risk that project officers would not detect issues needing corrective action that might impact the project meeting its goals." The report also found that of a sample of ten different EPA subawards, only three had protocols in place to ensure 501(c)(4) subaward recipients did not engage in lobbying activities.⁵ Despite these warning signs, an October 30, 2015 EPA Region 10 FEATS report pertaining to the *whatsupstream.com* project concluded that, "As a result of extensive review and engagement by EPA, we have been revising the website, and have to [sic] restarted media outreach."⁶ This conclusion would seem to suggest that, even in spite of OIG's report, EPA reviewed, engaged, and approved of the current *whatsupstream.com* website that is in blatant violation of federal law.

As mentioned, on December 14, 2015, GAO issued an opinion finding that EPA violated propaganda and anti-lobbying laws by using certain social media platforms in association with the WOTUS regulation. By obligating and expending appropriated funds in violation of specific prohibitions contained in appropriations acts for fiscal years 2014 and 2015, GAO found EPA also violated the *Antideficiency Act*.⁷ The *whatsupstream.com* campaign appears to be part of an alarming trend where EPA engages in funding advocacy efforts against the very entities it is seeking to regulate. EPA cannot systematically choose when it wishes to follow the law and when it does not. Congress has made it explicitly clear that EPA's funding may not be used, "for publicity or propaganda purposes designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any State or local government."⁸

We are aware that Senators Inhofe and Roberts recently sent a letter to the EPA OIG requesting an official audit and investigation into the *whatsupstream.com* campaign and related activities, and the House Committee on Agriculture is conducting a related oversight investigation of EPA grant management. We fully support these requests, and strongly advise EPA's full and swift cooperation with all investigations and imminent oversight inquiries into this matter.

Sincerely,



Dan Newhouse
Member of Congress



Brad Ashford
Member of Congress

⁵ Collins, Eileen et al., *EPA Should Improve Oversight and Assure the Environmental Results of the Puget Sound Cooperative Agreements* (EPA OIG Report No. 14-P-0317) (Washington, DC: Environmental Protection Agency Office of Inspector General, 2014), 8, <https://www.epa.gov/sites/production/files/2015-09/documents/20140715-14-p-0317.pdf>

⁶ EPA Puget Sound Financial and Ecosystem Accounting Tracking Systems, PA-00J322-01, October 30, 2015, <http://blogs.nwifc.org/psp/files/2016/02/Swinomish-FY13-4.1.15-9.30.15.pdf>


⁷ Poling, Susan A., *Environmental Protection Agency--Application of Publicity or Propaganda and Anti-Lobbying Provisions* (B-326944) (Washington, DC: U.S. Government Accountability Office, 2015), <http://www.gao.gov/assets/680/674/674163.pdf>

⁸ *Consolidated and Further Continuing Appropriations Act, 2015*, Public Law 113-235, 128 Stat. 2393 (2014)



Mike Conaway
Member of Congress


Collin C. Peterson
Member of Congress


Rick Crawford
Member of Congress



Jim Costa
Member of Congress



Bob Gibbs
Member of Congress


Frank D. Lucas
Member of Congress

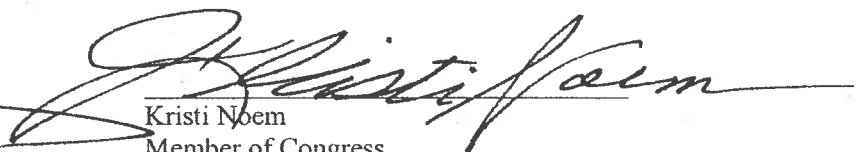

Bob Goodlatte
Member of Congress

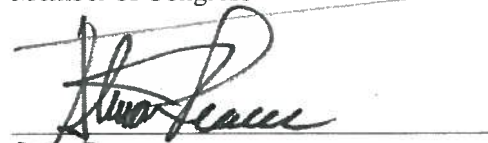

Doug Lamborn
Member of Congress


Lamar Smith
Member of Congress



Austin Scott
Member of Congress


Mick Mulvaney
Member of Congress

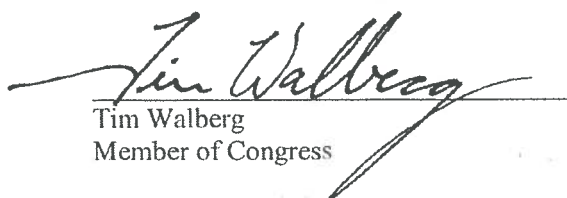

Kristi Noem
Member of Congress



Steve Pearce
Member of Congress

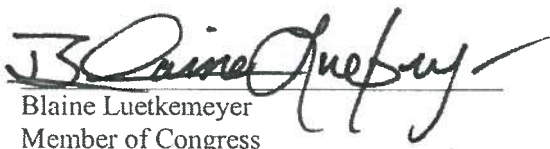

Cynthia Lummis
Member of Congress

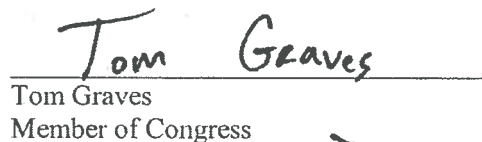

Brett Guthrie
Member of Congress



Trent Franks
Member of Congress

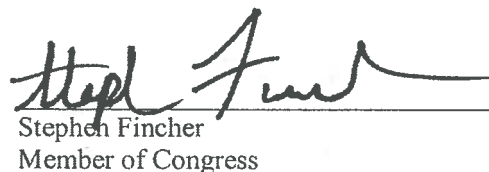

Tim Walberg
Member of Congress


Tom Reed
Member of Congress

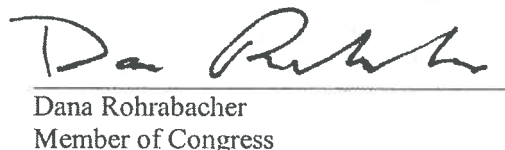

Blaine Luetkemeyer
Member of Congress

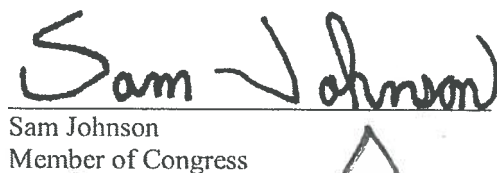

Tom Graves
Member of Congress

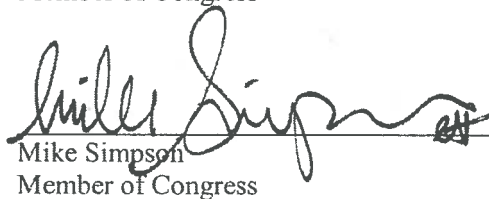

Robert E. Latta
Member of Congress

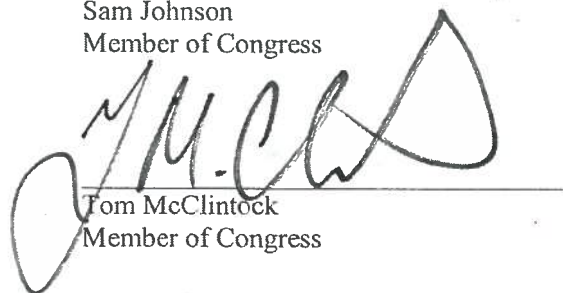

Stephen Fincher
Member of Congress

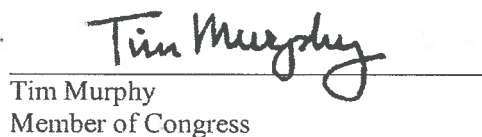

Darin LaHood
Member of Congress

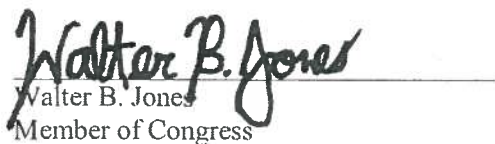

Dana Rohrabacher
Member of Congress


Sam Johnson
Member of Congress

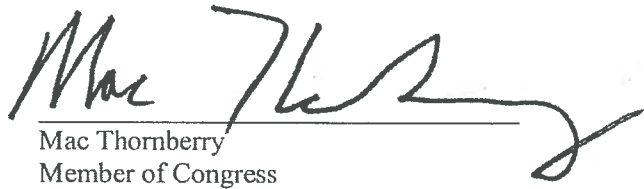

Mike Simpson
Member of Congress

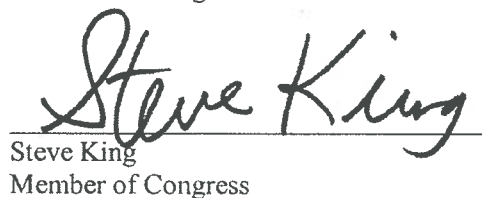

Tom McClintock
Member of Congress

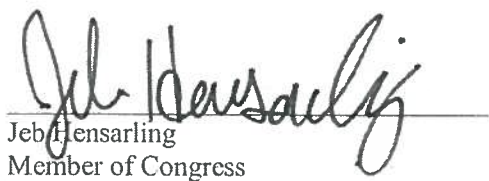

Tim Murphy
Member of Congress

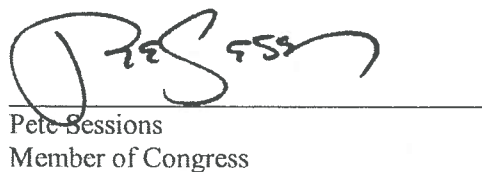

Walter B. Jones
Member of Congress


Steve Chabot
Member of Congress



Mac Thornberry
Member of Congress


Steve King
Member of Congress


Jeb Hensarling
Member of Congress


Pete Sessions
Member of Congress


Vicky Hartzler
Member of Congress


Jason Chaffetz
Member of Congress



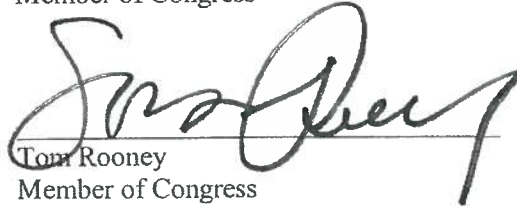
Michael R. Turner
Member of Congress



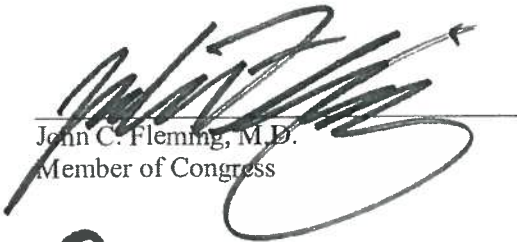
Adrian Smith
Member of Congress



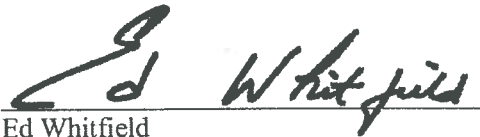
Marsha Blackburn
Member of Congress



Tom Rooney
Member of Congress



John C. Fleming, M.D.
Member of Congress



Ed Whitfield
Member of Congress



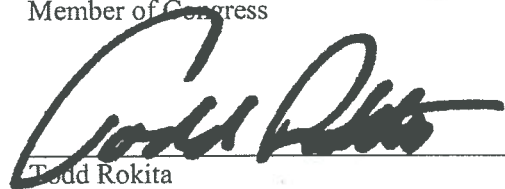
Greg Walden
Member of Congress



Chris Gibson
Member of Congress



Bill Johnson
Member of Congress



Todd Rokita
Member of Congress



Dave Trott
Member of Congress



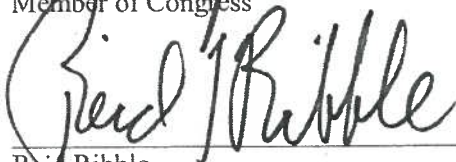
Rodney Davis
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Doug Collins
Member of Congress



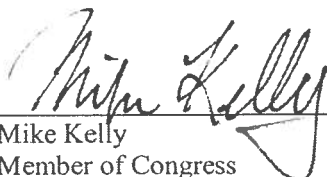
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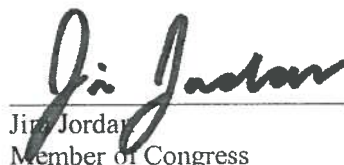
Reid Ribble
Member of Congress



Lee Zeldin
Member of Congress



Mike Kelly
Member of Congress



Jim Jordan
Member of Congress

Raúl R. Labrador

Raúl R. Labrador
Member of Congress

Lynn Jenkins

Lynn Jenkins
Member of Congress

Billy Long

Billy Long
Member of Congress

Sam Graves

Sam Graves
Member of Congress

Randy Neugebauer

Randy Neugebauer
Member of Congress

Charles Boustany

Charles Boustany
Member of Congress

Andy Barr

Andy Barr
Member of Congress

Mike Bost

Mike Bost
Member of Congress

Brad R. Wenstrup

Brad Wenstrup
Member of Congress

Keith J. Rothfus

Keith Rothfus
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Sean Duffy

Sean Duffy
Member of Congress

Renee Ellmers

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French Hill

French Hill
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Mo Brooks

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Morgan Griffith

Morgan Griffith
Member of Congress

Tim Huelskamp

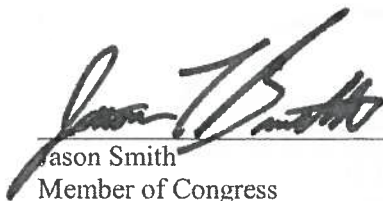
Tim Huelskamp
Member of Congress

Markwayne Mullin

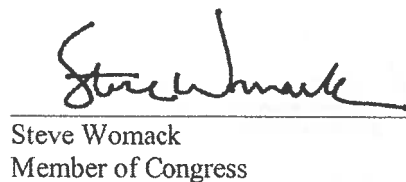
Markwayne Mullin
Member of Congress

Chris Collins

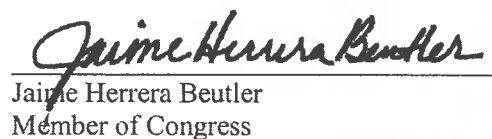
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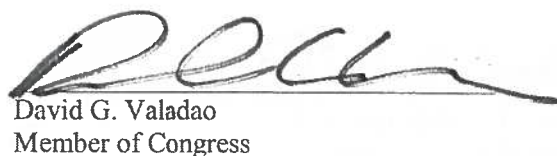
Jason Smith
Member of Congress



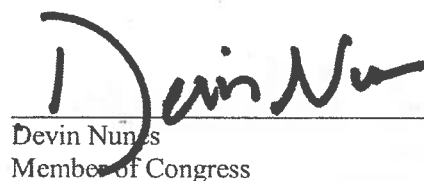
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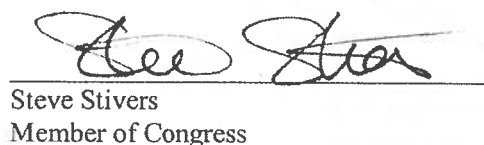
Jaime Herrera Beutler
Member of Congress



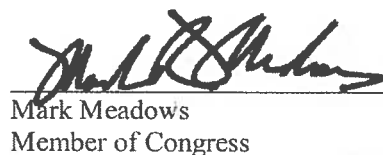
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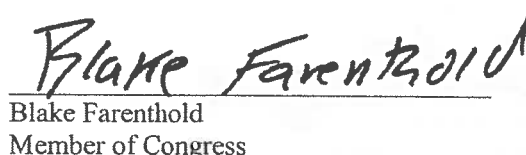
Devin Nunes
Member of Congress



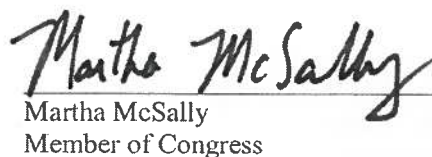
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Member of Congress



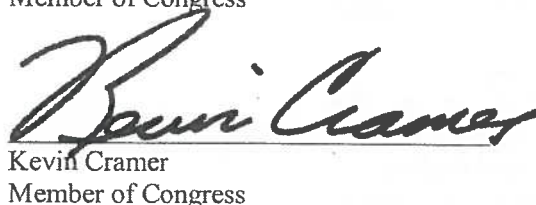
Mark Meadows
Member of Congress



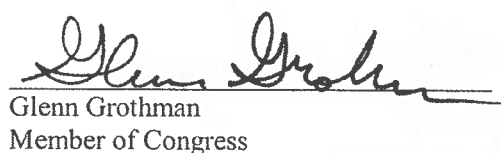
Blake Farenthold
Member of Congress



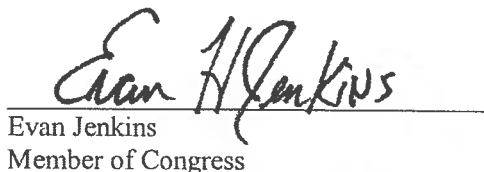
Martha McSally
Member of Congress



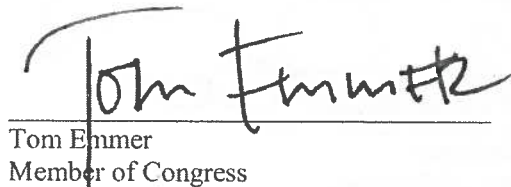
Kevin Cramer
Member of Congress



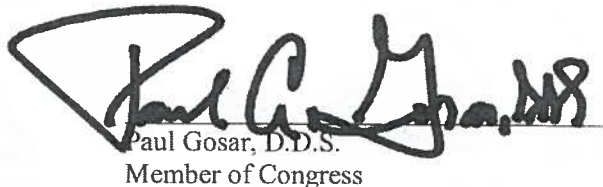
Glenn Grothman
Member of Congress



Evan Jenkins
Member of Congress



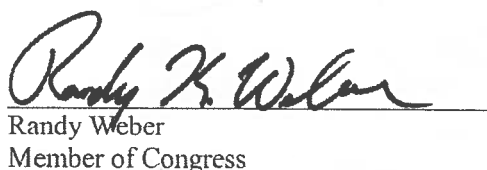
Tom Emmer
Member of Congress



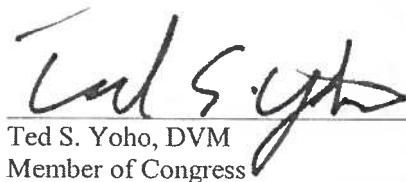
Paul Gosar, D.D.S.
Member of Congress



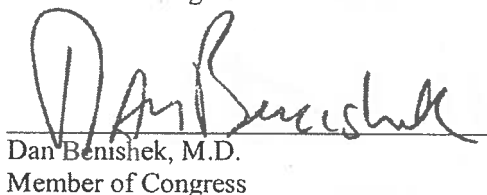
Luke Messer
Member of Congress



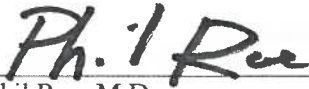
Randy Weber
Member of Congress



Ted S. Yoho, DVM
Member of Congress



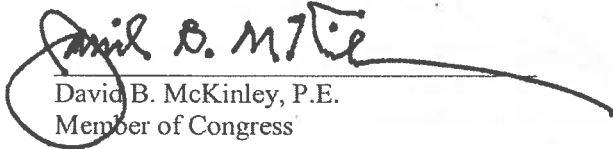
Dan Benishek, M.D.
Member of Congress



Phil Roe, M.D.
Member of Congress



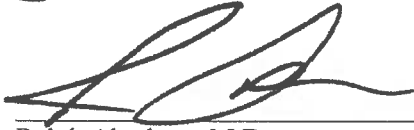
Scott DesJarlais, M.D.
Member of Congress



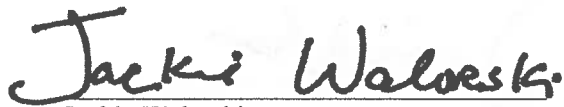
David B. McKinley, P.E.
Member of Congress



Ken Buck
Member of Congress



Ralph Abraham, M.D.
Member of Congress



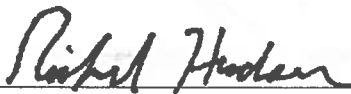
Jackie Walorski
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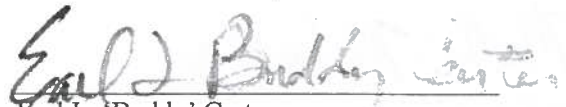
David Rouzer
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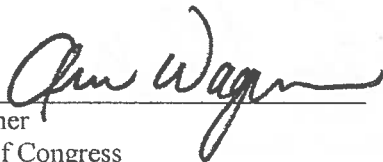
Mike Bishop
Member of Congress



Richard Hudson
Member of Congress



Earl L. 'Buddy' Carter
Member of Congress



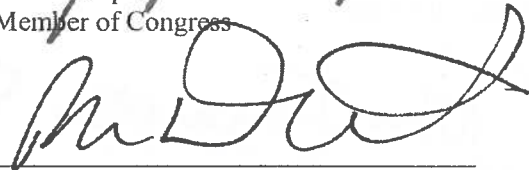
Ann Wagner
Member of Congress



Mike Pompeo
Member of Congress



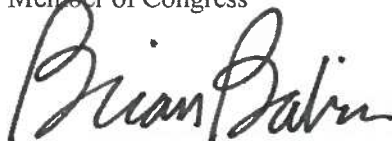
Kevin Brady
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Ron DeSantis
Member of Congress



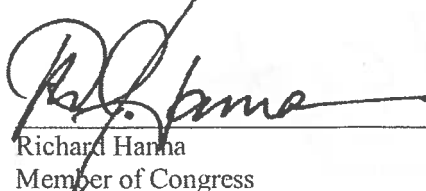
Mark Walker
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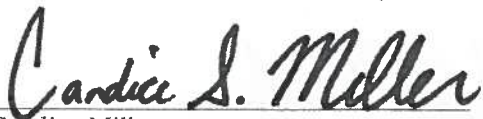
Brian Babin
Member of Congress



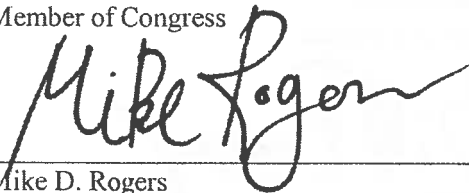
Will Hurd
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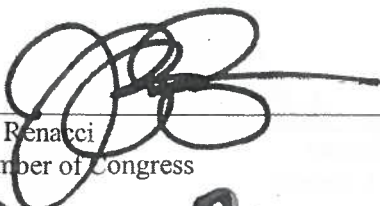
Richard Hanna
Member of Congress



Candice Miller
Member of Congress



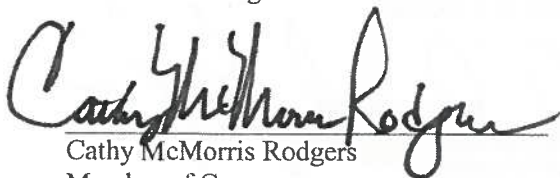
Mike D. Rogers
Member of Congress



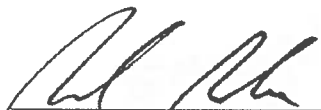
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Member of Congress



Steven Palazzo
Member of Congress



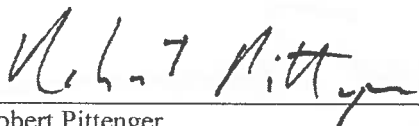
Cathy McMorris Rodgers
Member of Congress



Rod Blum
Member of Congress



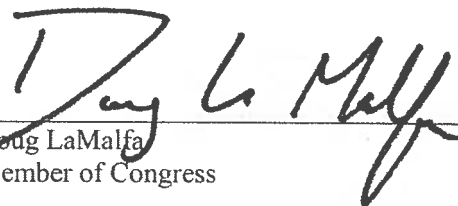
Jim Bridenstine
Member of Congress



Robert Pittenger
Member of Congress



Barry Linder
Member of Congress



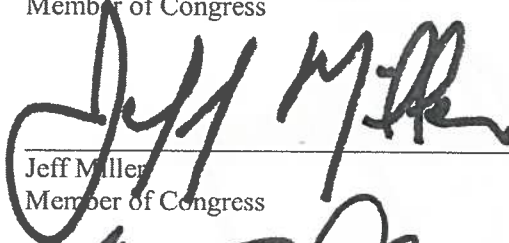
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Member of Congress



John Ratcliffe
Member of Congress



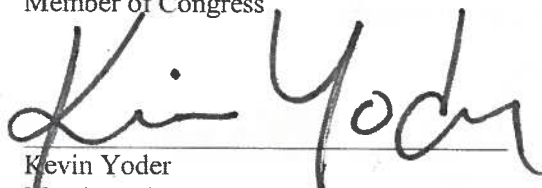
Dave Brat
Member of Congress



Jeff Miller
Member of Congress



Gary Palmer
Member of Congress



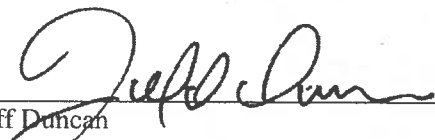
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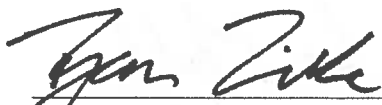
Mia Love
Member of Congress



Mimi Walters
Member of Congress



Jeff Duncan
Member of Congress



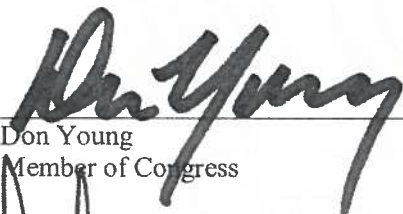
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Member of Congress



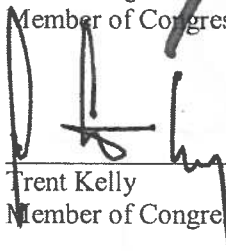
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Member of Congress



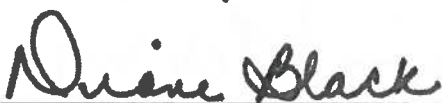
Glenn 'GT' Thompson
Member of Congress



Don Young
Member of Congress



Trent Kelly
Member of Congress



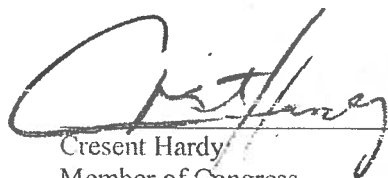
Diane Black
Member of Congress



Jeff Benham
Member of Congress



Dave Reichert
Member of Congress



Crescent Hardy
Member of Congress



John Moolenaar
Member of Congress



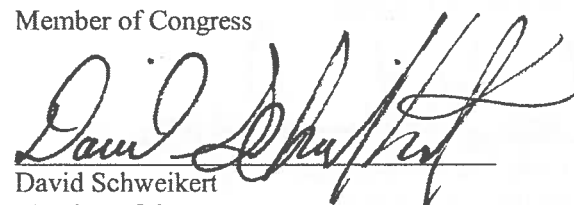
Bill Posey
Member of Congress




Bruce Westerman
Member of Congress



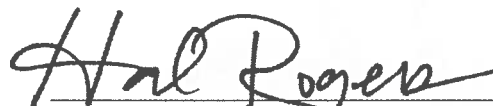
Tom Cole
Member of Congress



David Schweikert
Member of Congress



David Young
Member of Congress



Harold Rogers
Member of Congress



Bill Flores
Member of Congress

cc: Mr. Gene Dodaro, Comptroller General, U.S. Government Accountability Office
Mr. Arthur Elkins, Jr., Inspector General, Environmental Protection Agency



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF THE REGIONAL
ADMINISTRATOR

JAN 23 2016

The Honorable Dan Newhouse
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Brad Ashford
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Newhouse and Representative Ashford:

Thank you for your April 20, 2016, letter to United States Environmental Protection Agency Administrator Gina McCarthy regarding the EPA's Cooperative Agreement with the Northwest Indian Fisheries Commission and a sub-award made under that Cooperative Agreement by NWIFC to the Swinomish Indian Tribal Community for a "Non-Point Pollution Public Information and Education Initiative." The Administrator asked that I respond on her behalf.

The EPA places a high value on collaboration with our partners in the agricultural and tribal communities. We are particularly proud of the work we've done in the Pacific Northwest with the agriculture community and the tribes in seeking -- and frequently finding -- common ground on issues such as water quality monitoring, scientific research and uplands restoration projects.

Puget Sound in northwest Washington is an estuary of national significance under the U.S. Clean Water Act National Estuary Program. The EPA provides expertise and financial assistance to state, local and tribal governments to support research and restoration projects that help implement the State of Washington's Puget Sound Action Agenda. This Action Agenda serves as the state's Comprehensive Conservation and Management Plan required under the Clean Water Act National Estuary Program.

In support of the Action Agenda, EPA Region 10 awarded a cooperative agreement to the NWIFC in 2010, to support the work of 21 federally recognized Puget Sound tribes and tribal consortia who implement protection and restoration projects consistent with the Puget Sound Action Agenda. The Swinomish Tribe is one of the sub-recipients and, accordingly, received annual incremental funding for an education and outreach project focused on the critical need to reduce non-point source water pollution to protect Puget Sound water quality and critical salmon habitat. Four Pacific salmon species in Puget Sound are listed as threatened under the Endangered Species Act, in turn threatening the treaty-reserved rights of many Puget Sound tribes to harvest this natural resource so central to their communities, economies, and cultures.

The Swinomish Tribe's project included building a public information and awareness website. The EPA engaged with the Commission and the Swinomish Tribe over the past five years to discuss proposed annual work plans and some specific tasks such as the website. EPA has provided technical assistance and coordination in the form of comments and recommendations. However, a cooperative agreement is fundamentally different from a contract and the EPA does not have the ability to direct the content of the

work product of a grantee or sub-recipient in the same manner as a contractor. In addition, under the terms of the cooperative agreement, the Commission has the responsibility of monitoring sub-recipients' performance and ensuring compliance with applicable terms and conditions, regulations, and statutes. The EPA's involvement in the sub-recipient's project has focused on providing technical input during routine proposal reviews and flagging potential areas of non-compliance with grant terms and conditions, laws, regulations and policies. For example, the EPA has provided advice to the Commission and the Swinomish Tribe regarding the lobbying restrictions applicable to grants.

The EPA takes the concerns that have been expressed by members of Congress and other parties very seriously. In an April 18, 2016, letter (enclosed), the EPA asked the Commission to suspend all expenditures under the sub-award to the Swinomish Tribe and requested the Commission conduct a review of its sub-award to the Tribe. During a meeting on April 25, 2016, the Commission confirmed that all advertising related to the sub-award had stopped, and costs related to billboards have not and will not be paid with funding Congress appropriates to the EPA. The Commission is continuing its assessment of the sub-award in relationship to EPA grant policies, terms, and conditions, and will be setting up a meeting between the EPA, the Commission, and the Swinomish Tribe to review the results.

I want to assure you that collaboration with our partners in the agricultural community is of great importance to the EPA. To exemplify our efforts regarding work with the agricultural community, in the past three years over \$12 million of EPA funds have been used to support collaboration with agriculture partners in Puget Sound to restore and protect riparian habitat and to reduce non-point source pollution.

The 2014 OIG report cited in your letter concluded, "...that EPA Region 10 is effectively administering cooperative agreements and monitoring project progress to determine whether proposed outputs and outcomes were achieved" (OIG, Report 14-P-0317, At a Glance, July 15, 2014). The OIG provided several recommendations, which EPA has addressed. We continue to provide strong oversight of the grants funded through the Puget Sound program.

Again, thank you for your interest in the EPA's grant activities. If you have any further questions, please contact me, or your staff may contact Kyle Aarons, in the EPA's Office of Congressional and Intergovernmental Relations at aarons.kyle@epa.gov or (202) 564-7351.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis J. McLerran".

Dennis J. McLerran
Regional Administrator

Enclosure

Congress of the United States
Washington, DC 20515

November 4, 2015

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator McCarthy,

We write to express significant concern with the recently proposed 2016 Renewable Volume Obligations (RVO) under the Renewable Fuel Standard (RFS). The RVO as currently proposed would constitute a breach of the ethanol blendwall, which would cause adverse impacts on American consumers and the economy.

Congress expanded the RFS when it passed the Energy Independence and Security Act of 2007 (EISA). EISA mandated an annually increasing volume of biofuel to be blended and consumed in the nation's motor fuel supply, reaching 36 billion gallons of biofuels in 2022. In 2007, the market assumptions regarding the future of transportation fuels in the United States were very different from the realities of the market today. The Energy Information Administration (EIA) at the time projected motor gasoline demand to significantly rise through 2022¹. Since then, EIA has revised its 2007 projection of motor gasoline in 2022 downward by 27% and projects motor gasoline demand to continue to decline through 2035¹.

Increased fuel efficiency has led to shrinking gasoline demand. This current reality, coupled with an increasing biofuel blending level requirement, has exacerbated the onset of the E10 blendwall—the point at which the gasoline supply is saturated with the maximum amount of ethanol that the current vehicle fleet, marine and other small engines, and refueling infrastructure can safely accommodate. We agree with the EPA's conclusion in its first RVO proposal for 2014 and in its current proposal for 2014, 2015, and 2016 that the E10 blendwall is a binding constraint.

We are gravely concerned, however, that despite the Agency's recognition of the blendwall, the 2016 proposal acknowledges that it will be breached nonetheless. Specifically, EPA states that the 2016 RVO "includes volumes of renewable fuel that will require either ethanol use at levels significantly beyond the level of the E10 blendwall, or significantly greater use of non-ethanol renewable fuels than has occurred to date."²

¹ Energy Information Administration, *Annual Energy Outlook 2007-2015*, Reference Case Table 11

² Federal Register, Vol. 80, No. 111, Wednesday, June 10, 2015, Proposed Rules (p.33102), *EPA Renewable Fuel Standard Program: Standards for 2014, 2015, and 2016 and Biomass-Based Diesel Volume for 2017; Proposed Rule*

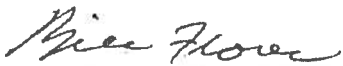
The Honorable Gina McCarthy
Page 2

Multiple studies have shown detrimental economic harm may be caused by breaching the E10 blendwall. A 2014 report on the RFS by the nonpartisan Congressional Budget Office concluded that requiring the volumes of biofuel in EISA, which would breach the blendwall, could increase the price of E10 gasoline by up to 26 cents per gallon³. NERA concludes in a July 27, 2015 study that "higher gasoline prices leave consumers with less disposable income⁴", further hindering economic growth. An RFS study by Charles River Associates concurs: "The result [of exceeding the blendwall] will be limited availability, higher consumer costs, and fewer sales of conventional transportation fuels⁵." This adverse economic harm falls hardest on America's lower income families.

EPA acknowledges that its 2016 RVO proposal would require significant greater use of E15 and E85 in order to meet the proposed mandate in 2016. Therefore, this proposal is problematic not only in principle, but it is also impractical since it would take decades, not months, to build out the compatible vehicle fleet and install the necessary retail infrastructure to accommodate the higher blends of ethanol. AAA calculates that only 5% of the vehicles on the road are approved to use E15⁶ and the EIA calculates that only 6% of vehicles can use E85⁷. The refueling retail infrastructure is even more limited with only 2% of retail stations selling E85⁸ and only 100 stations nationwide selling E15⁹.

Congress will continue its work toward a bipartisan solution to deal with the RFS. As this work continues, it is critical that EPA use its statutory authority to waive EISA's conventional biofuel volume to keep the blending requirements below the E10 blendwall, and to help limit the economic and consumer harm this program has already caused.

Sincerely,



Bill Flores
Member of Congress



Peter Welch
Member of Congress



Bob Goodlatte
Member of Congress



Jim Costa
Member of Congress



Steve Womack
Member of Congress

³ Congressional Budget Office, *The Renewable Fuel Standard: Issues for 2014 and Beyond* (June 2014)

⁴ NERA Economic Consulting, *Economic Impacts Resulting from Implementation of RFS2 Program* (July 2015)

⁵ Charles River Associates, *Impact of the Blend Wall Constraint in Complying with the Renewable Fuel Standard* (November 2011)

⁶ American Automobile Association, Press Release "New E15 Gasoline May Damage Vehicles and Cause Consumer Confusion" (December 2012)

⁷ Energy Information Administration, *Annual Energy Outlook 2014*

⁸ Fuels Institute, *E85: A Market Performance Analysis and Forecast* (2014)

⁹ Renewable Fuels Association data (www.ethanolrfa.org)

Jeff Plesman

Zou Barletta

Bob Bo

Glen G Thompson

Steve Kessel

Thomas O'Brien

Jim Heak

Gary Palmer

Jim Bidenstine

Tom Zick

Bob Posey

Bob Boff

Phin

Bruce Western

Miner M'Call

Art R

JACQUIN ASTRO

Don B Lare

Robert J. Dald

Neil R. Pitzer

D.C. Orr

Robert A. Verhulst

Minerva J. Zeller

Kim B. Brown

Thomas Marrie

Will Hurd

Doug L. Kasper

Tom Rice

Barbara Comstock

Charles J. Thibault

St. J. De

Gregg Harper

Gregg Harper

Diana Lavin

Al. Lamo

Mr. De

Fry Estillo

Denny Heck

D-d Rouzer

Joseph R Pitts

Scott Rigell

M V

Thomas

Sam B. M'Lee

David Schipf

Ocie Rose

Pete King

Jill Miller

Mark B. Anderson

Dan Boat

Fred Minster

John Ratcliffe

Chris Stewart

Mark Rogers

Don Brink

Rita W. Allen GA-12

Ted S. Galt

Rocky K. Weber

S. Holly

Sh. M. White

Paul A. Grand

E. H. Jenkins

Glen Grothman

Joe J. J.

Fab. Velez

May Pompeo

John D. Mark

Earl L. Buddy Carter

Nichol Hudson

Mike Bishop

Roller

Devin Nunn

Luis Lunkel

Blake Funtke

Kay Stanger

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Jaime Herrera Beutler

W. Mark G. VA-9

Mark McSally

Dwaine Black

W. W. W.

Markwayne Mullin

Renee Elna

Alex X. Mooney

Mo Brooks

D. Amodeo (VA-2)

Paul Cook

Clint Collins (NY-27)

Keith J. Rothfus

W. W. W.

CPA

Ally Lang
AS, MID

Ji Jadar

Judy Rice

Andy Barr

Greg Campbell

Paul Hsu TX-19

Reaper Williams

Dan Ambrose

Raul R. Labrador

Mike Kelly

Zu Zhi NY-01

Doug Collins GA-9

CW Boush A

DL

Trey Gandy

Brad R. Womack

Andrzej

Rob Woodall

R. B. Taylor

Joe Barton

John Brea

Sen. M. Bilirakis

Pete Olson

Mark Sanford

John G. ...

Pete DeFazio

Andrzej Kruski

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Drew Wadsworth

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Lynn Whitbeck

Mac ...

H. J. Cuellar
Charles W Dent

Paul H. ...
Dan Rostenkowski

John Henshaw

Sam Johnson

Joe Wilson

Ed Royce

Scott Marrett

Mike Spence

Jeff Sessions

Kerry Meade

Eric Lipton

Rubin Hinojosa

Marsha Blackburn

John G. Butterfield

Bill Shuster

PPH ...

Ken Young

Steve Seals

Walter B. Jones

Virginia Foxx

St. Braht

Paul Smith

Lamar Smith

Austin Scott

Frank A. L. Bland

J. M. Ch...

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John ...

Leonard ...

John Culberson

Doug Lamborn

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Tom Murphy

Dan Hunt

Kurt Schneider

Steve Furr

Synthia D. Lumma

Kent Starks
Tom Reed NY 23

Tim Walberg
Tom Graves

Victor Calton

Ben Ray Lujan

James H. McGovern WI-05

Erin Grady

Steve Largent

Dan Green

Robert J. Wittman & Jim Hahn

Bruce Soliquin

Kevin McCarthy

The Honorable Gina McCarthy
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Doug LaMalfa	Ron DeSantis

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David Schweikert	Steven M. Palazzo

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Carlos Curbelo	Trent Kelly
Randy K. Neugebauer	Trey Gowdy
Roger Williams	Bradley Wenstrup

The Honorable Gina McCarthy
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Louie Gohmert	Ruben Hinojosa
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Lamar Smith	Ted Poe
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Mike Coffman	Ben Ray Lujan
F. James Sensenbrenner	Tom Cole
Stephen Fincher	Gene Green
Robert J. Wittman	K. Michael Conaway
Bruce Poliquin	Kevin McCarthy



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 23 2015

OFFICE OF
AIR AND RADIATION

The Honorable Martha McSally
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman McSally:

Thank you for your letter of November 4, 2015, to U.S. Environmental Protection Agency Administrator Gina McCarthy, regarding your concerns that the proposed standards for 2014 - 2016 under the Renewable Fuel Standard (RFS) program fall short of the statutory targets. The Administrator has asked me to respond to you on her behalf.

Under the Clean Air Act, as amended by the Energy Independence and Security Act of 2007, the EPA is required to set annual standards for the RFS program each year. The statute requires the EPA to establish annual percentage standards for cellulosic biofuel, biomass-based diesel, advanced biofuel, and total renewable fuels that apply to gasoline and diesel produced or imported in a given year.

In our June 10, 2015, proposal we made a preliminary determination that the market would experience significant uncertainty if the EPA were to ignore the constraints on supply and set the standards at the statutory targets, as we expect that there would be widespread shortfalls in supply under those circumstances. The proposal sought to balance two dynamics: Congress's clear intent to increase renewable fuels over time to address climate change and increase energy security, and real-world circumstances that have slowed progress towards such goals. In order to provide the certainty that investors and others in the market need, we proposed using the tools Congress provided to make adjustments to the law's volume targets. Though we proposed using the authority provided by Congress, we nevertheless proposed standards for cellulosic biofuel, advanced biofuel, and total renewable fuel that would result in ambitious, achievable growth in biofuels.

We held a public hearing on the proposal on June 25, 2015, in Kansas City, Kansas, where over 200 people provided testimony. Further, we received over 670,000 comments from the public comment period, which closed on July 27, 2015. We are taking those comments, as well as the thoughts you provided in your letter, under consideration as we prepare the final rulemaking which we intend to finalize by November 30, 2015.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Patricia Haman in the EPA's Office of Congressional and Intergovernmental Relations at haman.patricia@epa.gov or (202) 564-2806.

Sincerely,

A handwritten signature in black ink, appearing to read "J. G. McCabe", written in a cursive style.

Janet G. McCabe
Acting Assistant Administrator

MARTHA MCSALLY
2ND DISTRICT, ARIZONA

COMMITTEE ON HOMELAND SECURITY
CHAIRMAN
SUBCOMMITTEE ON EMERGENCY PREPAREDNESS
PERSONNEL AND COMMUNICATIONS

COMMITTEE ON ARMED SERVICES



UNITED STATES
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(520) 481-4088

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SIERRA VISTA, AZ 85635
(520) 439-3115

McSALLY HOUSE, 608

June 15, 2015

Faye Swift
US-EPA Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Ave.
Mail Code: 390R
Washington, DC 20460

RE: EPA-OAR-OTAP-15-06

Dear Ms. Swift,

I am writing to express support for the truck stop electrification (TSE) grant proposal being submitted by Pima Association of Governments Regional Clean Cities Program. The Clean Cities Program will work with truck stops, trucking companies, and a Tucson Clean Cities Stakeholder, such as IdleAir, to add TSE units in California and Arizona.

This project will bring great value to my district in the form of new jobs, emission and noise reductions, and fuel savings to trucking companies that help support our local economy in Southern Arizona.

Please consider the merits of this grant application submitted by Pima Association of Governments.

In Service,

A handwritten signature in cursive script that reads "Martha McSally".

Representative Martha McSally



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 23 2015

OFFICE OF
AIR AND RADIATION

The Honorable Martha McSally
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman McSally:

Thank you for your June 15, 2015, letter to the U.S. Environmental Protection Agency regarding the application of the Pima Association of Governments in the recent Diesel Emissions Reduction Act (DERA) Clean Diesel Funding Assistance Program.

The request for applications for this grant competition closed on June 15, 2015. We received the application from the Pima Association of Governments before the deadline and it is therefore eligible to be considered for funding. The EPA is presently evaluating all grant applications and plans to announce the winners of the competition in the fall.

The EPA received over 40 applications in response to the DERA competition, which focused on reducing emissions from goods movement, freight and ports. It is encouraging to see so many organizations ready to take action to reduce pollution by upgrading their existing diesel fleets.

We appreciate your interest in and support of the EPA's National Clean Diesel Campaign. The support and interest from members of Congress as well as industry and corporate partners, educators, environmental groups, public health officials, and other community leaders who are committed to protecting our nation's health and modernizing America's in-use diesel fleet is important. This program allows us to work together to achieve the overall goal of reducing exposure to air pollution from diesel engines.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Josh Lewis in the EPA's Office of Congressional and Intergovernmental Relations at lewis.josh@epa.gov or (202) 564-2095.

Sincerely,

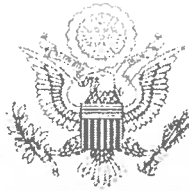
A handwritten signature in black ink, appearing to read "J. McCabe", is written over a horizontal line.

Janet G. McCabe
Acting Assistant Administrator

MARTHA MCSALLY
2ND DISTRICT, ARIZONA

COMMITTEE ON HOMELAND SECURITY
CHAIRMAN
SUBCOMMITTEE ON EMERGENCY PREPAREDNESS,
RESPONSE, AND COMMUNICATIONS

COMMITTEE ON ARMED SERVICES



UNITED STATES
HOUSE OF REPRESENTATIVES

May 18, 2015

The Honorable Gina McCarthy
Administrator
United States Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Attention: Docket ID No. EPA-HQ-OAR-2013-0602

Dear Administrator McCarthy,

As a member of the U.S. House of Representatives, I write to express to you my strong concerns with the Environmental Protection Agency's ("EPA") proposed rule under Section 111(d) of the Clean Air Act that would regulate carbon emissions from existing power plants ("Proposed Rule"). The Proposed Rule penalizes Arizona's leadership in development of carbon-free and low-carbon energy resources and seeks to encumber the state with some of the most stringent carbon dioxide reduction requirements in the country. Implementation of the Proposed Rule will result in increased cost and decreased reliability for hundreds of thousands of Arizona residents.

While I disagree with the EPA's assertion that it has the authority to promulgate this burdensome regulation and believe your Agency should revisit the Proposed Rule, I will limit these comments to the Proposed Rule's flawed assumptions and encourage the Agency to revise the Proposed Rule according to the input it receives from our State during the Proposed Rule's comment period. Arizona's utilities provide reliable and affordable energy to residents and businesses in Arizona and other states. They accomplish this through comprehensive planning and the deployment of a balanced portfolio of generation resources, including:

- carbon-free nuclear and hydroelectric generation;
- reliable, well controlled, low-cost coal generation;
- natural gas generation; and
- a diverse mix of renewable resources such as geothermal, wind and solar.

Because of these efforts, Arizona has enjoyed economic success and low greenhouse gas emissions. In the Proposed Rule's baseline year of 2012, 36.3% of Arizona's electric generation was carbon-free. Unfortunately, the Proposed Rule ignores Arizona's comprehensive planning and environmental stewardship and would eliminate the balance in our energy resources, and impose greater reductions and higher costs on our residents than those in other states.

The EPA wrongly assumes that Arizona's reliable and affordable coal resources can be easily shuttered and replaced by "excess" natural gas generation capacity. This assumption, which is the foundation of the Proposed Rule's goals for Arizona, demonstrates the EPA's misunderstanding of the ownership of these resources, how Arizona uses these resources and our coal resources to meet summer peak load

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demands, the current limitations of Arizona's natural gas infrastructure and storage, and the availability of transmission resources. Arizona's aggressive interim and final goals presume the state has an unfettered ability to perform a complex transition of the state's energy supply by 2020, including retiring all of the state's coal-fired generation units and making a significant investment in new infrastructure to replace that generation. EPA's own modeling shows that this transition cannot happen within the required timeframe, demonstrating that such a transition is not economically viable, nor technically viable.

Underscoring this point, the Proposed Plan would lead to the closure of Arizona Electric Power Cooperative, Inc's (AEP) Apache Generating Station in Cochise, Arizona. There currently exists no reliable way to transmit electricity from alternative sources for the areas AEP serves, leaving 350,000 rural residents (150,000 meters) exposed to dangerous reliability issues. I encourage you to reconsider this flawed assumption and correct the Proposed Rule to reflect the realities in Arizona.

Furthermore, closure of the coal generating facilities in Arizona would devastate the economies of our rural communities, where the plants support high-wage employment and provide a critical tax base for schools and local governments. For example, 245 jobs within my district will be lost if the Proposed Rule is adopted in current form. Moreover, rate increases resulting from the Proposed Rule would disproportionately affect rural consumers and exacerbate the growing problem of poverty in these areas. I strongly encourage you to consider the impacts this Proposed Rule would have on Arizona's rural families and businesses.

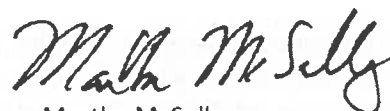
The EPA also asserts that the Proposed Rule provides states with abundant flexibility. The unreasonable and flawed goals for Arizona in the Proposed Rule remove any flexibility that might have been intended. For example, EPA's assumptions for replacement of coal generation with natural gas generation under building block 2 constrain the state's ability to rely on building block 1 (heat rate efficiency in coal plants) for any movement towards the state's interim or final goals. Additionally, Arizona's goals represent an emissions rate for existing natural gas that is much lower than what the Agency says is achievable for brand new natural gas units. Consequently, Arizona is forced to construct new renewable generation sources on unrealistic timelines and accelerate energy efficiency without the time to rationally consider what programs are most cost-effective and achievable within the state.

As the EPA considers the comments it receives, I encourage you to consider modifying the Proposed Plan as recommended by the following proposals:

The Arizona Utilities Group Plan (December 1, 2014):

- Accounts for the "remaining useful life" of coal-fired power plants in interim and final goals.
- Allow for pollution reduction efforts and commitments prior to the final 111(d) to be recognized.
- Allow states to set interim goals.
- Apply appropriate natural gas emission rates.

Sincerely,



Martha McSally
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 10 2015

OFFICE OF
AIR AND RADIATION

The Honorable Martha McCally
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman McCally:

Thank you for your letter of May 18, 2015, to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the Clean Power Plan for existing power plants that was signed by the Administrator on June 2, 2014, and published in the *Federal Register* on June 18, 2014. The Administrator asked that I respond on her behalf.

Climate change induced by human activities is one of the greatest challenges of our time. It already threatens human health and welfare and our economic well-being, and if left unchecked, it will have devastating impacts on the United States and the planet. Power plants are the largest source of carbon dioxide emissions in the United States, accounting for roughly one-third of all domestic greenhouse gas emissions. The proposed Clean Power Plan builds on what states, cities and businesses around the country are already doing to reduce carbon pollution and establishes a flexible process for states to develop plans to reduce carbon dioxide that meet their needs. We have placed your comments in the docket for this rulemaking.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Josh Lewis in the EPA's Office of Congressional and Intergovernmental Relations at lewis.josh@epa.gov or at (202) 564-2095.

Sincerely,

A handwritten signature in black ink, appearing to read "J G McCabe", is located below the word "Sincerely,".

Janet G. McCabe
Acting Assistant Administrator

Congress of the United States
Washington, DC 20515

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator McCarthy,

On November 25, 2014, you issued a proposed rulemaking to tighten the existing National Ambient Air Quality Standard (NAAQS) for ozone from 75 parts per billion (ppb) to a range between 60 and 70 ppb.¹ While we have numerous objections to the proposed rule, today we write specifically regarding background ozone. The ozone levels you have proposed would be unachievable for many states with already high levels of background ozone.

Ozone background levels are caused by natural sources and foreign emissions. The proposed federal standard and accompanying regulatory impact analysis (RIA) acknowledge the challenges caused by ozone background levels, including in western states. The rule states that there are times when ozone levels “approach or exceed the concentration levels being proposed in this notice (i.e., 60-70 ppb) in large part due to background sources.”²

The RIA further explains that background ozone is a relatively larger percentage (e.g., 70-80%) of the total seasonal mean ozone in locations within the intermountain western U.S. and along the U.S. border.³ In many of these areas, attaining a lower standard may be impossible, regardless of technology. Rural areas in particular simply do not have as many local emission sources to control. A nonattainment designation could end up being permanent, causing significant economic harm to local economies.

While the proposed rule attempts to address some of these concerns by suggesting that affected areas can seek exemptions, our experience petitioning EPA shows that it can be a resource intensive, lengthy process with an uncertain outcome. For example, given the reoccurring high ozone background levels in some regions, it will be difficult to show that the measured ozone levels exceed “normal historical fluctuations” as required by EPA’s current rules.⁴

EPA’s Clean Air Scientific Advisory Committee (CASAC) also struggled with addressing the high ozone background levels in formulating its recommendations to the Agency on a new standard. The Committee noted in its final letter to EPA that the Agency had failed to

¹ EPA’s National Ambient Air Quality Standards for Ozone, Proposed Rule, 79 FR at 75,234.

² *Id.* at 75,382.

³ EPA’s draft Regulatory Impact Analysis of the Proposed Revisions to the National Ambient Air Quality Standards for Ozone p. 2-16, available at <http://www.epa.gov/ttn/ecas/regdata/RIAs/20141125ria.pdf>.

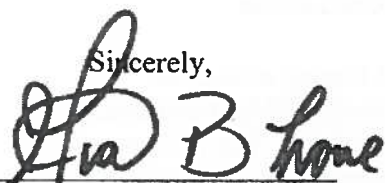
⁴ *Id.* at 3A-60 (referencing EPA’s existing Exceptional Events Rule).

provide key advice on how background levels should be considered.⁵ EPA's failure to provide this critical advice to those impacted by the rule is a significant weakness that must be considered in evaluating CASAC's recommended range.

The proposed rule confirms that EPA can consider proximity to background levels in setting a new standard, as it should. However in this case, the current proposal sets some states up to fail due to background ozone beyond their control. This reinforces our belief that the proposed ozone rule is flawed and should be withdrawn.

At a minimum, EPA should not revise the ozone standard until it has assessed and published for public comment the impact of its planned revisions to its Exceptional Events policy, and the extension of that policy to the ozone monitoring season. Without this information, neither EPA nor the public can assess the impact of what EPA is asking western and border states to do.

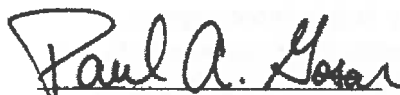
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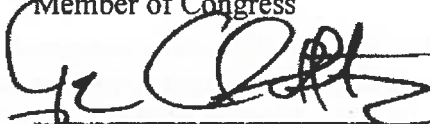
Mia Love
Member of Congress




Cynthia Lummis
Member of Congress



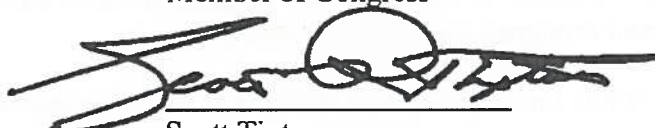
Paul Gosar
Member of Congress



Jason Chaffetz
Member of Congress



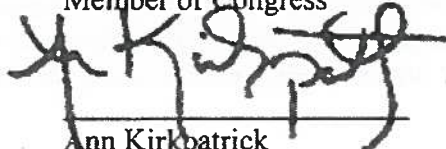
Ryan Zinke
Member of Congress



Scott Tipton
Member of Congress



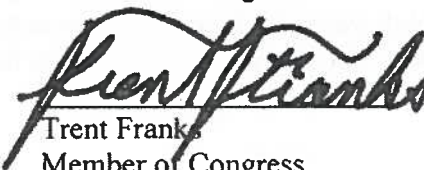
Steve Pearce
Member of Congress



Ann Kirkpatrick
Member of Congress



Chris Stewart
Member of Congress



Trent Franks
Member of Congress

⁵ CASAC letter, available at

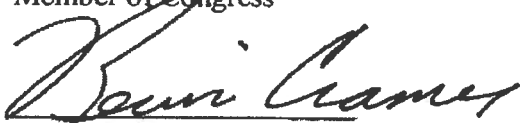
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Rob Bishop
Member of Congress



David Schweikert
Member of Congress



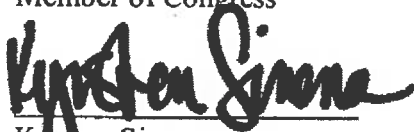
Kevin Cramer
Member of Congress



Cresent Hardy
Member of Congress



Doug Lamborn
Member of Congress



Kyrsten Sinema
Member of Congress



Raúl Labrador
Member of Congress



Martha McSally
Member of Congress



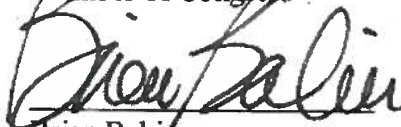
Mark Amodei
Member of Congress



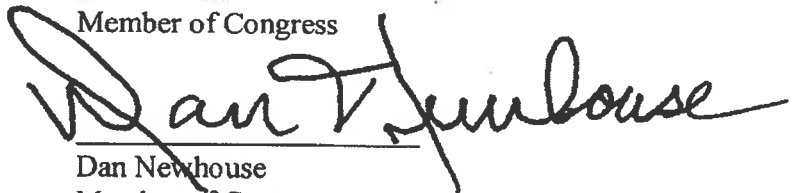
Pete Olson
Member of Congress



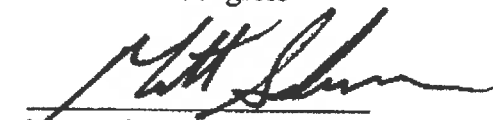
Steven Palazzo
Member of Congress



Brian Babin
Member of Congress



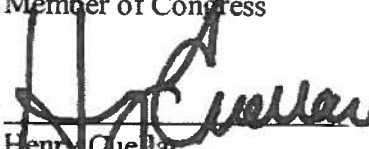
Dan Newhouse
Member of Congress



Matt Salmon
Member of Congress



Ken Buck
Member of Congress



Henry Cuellar
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 17 2015

OFFICE OF
AIR AND RADIATION

The Honorable Martha McSally
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman McSally:

Thank you for your recent letter to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the EPA's Ozone National Ambient Air Quality Standards (NAAQS) proposed rule. The Administrator asked that I respond on her behalf.

As you know, the EPA sets NAAQS to protect public health and the environment from six common pollutants, including ground-level ozone. The Clean Air Act requires the EPA to review these standards every five years to ensure that they are sufficiently protective. On November 25, 2014, the EPA proposed to strengthen the NAAQS for ground-level ozone, based on extensive scientific evidence about ozone's effects.

We have made great progress in improving air quality and public health in the United States, and it has not come at the expense of our economy. Indeed, over the past 40 years, air pollution has decreased by nearly 70 percent while the economy has tripled.

I appreciate your comments on the ozone proposal and have asked my staff to place your letter in the docket for the rulemaking. We have received a number of comments on the issue of background ozone and are carefully considering them.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Josh Lewis, Office of Congressional and Intergovernmental Relations at lewis.josh@epa.gov or at (202) 564-2095.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet G. McCabe", is positioned above the typed name.

Janet G. McCabe
Acting Assistant Administrator

